

5 or purchase of memorial buildings or monuments and suitable ground  
 6 and equipment therefor, and the maintenance thereof, providing the  
 7 council of such city or town and the board of supervisors of such county  
 8 *or the township trustees* can so agree, but in cases where commission-  
 9 ers have already been appointed under section 37.9, such agreement  
 10 shall be between such commissioners, but if only one of such parties  
 11 has appointed commissioners, then such agreement shall be between  
 12 the commissioners already appointed and the council of such city or  
 13 town or the board of supervisors of such county *or the township*  
 14 *trustees*, as the case may be.

1 SEC. 2. Section three hundred sixty point four (360.4), Code 1973,  
 2 is amended to read as follows:

3 360.4 **Location.** Any public hall built under the provisions of this  
 4 chapter shall be located by the township trustees so as to accommodate  
 5 the greatest number of the resident taxpayers, and for such purpose  
 6 the trustees may purchase land not to exceed in value five hundred  
 7 dollars. They shall also have the power to join with the city or town  
 8 authorities of any city or town within their borders and build and  
 9 equip said building as a public hall *or as a memorial building as pro-*  
 10 *vided in section thirty-seven point twenty-one (37.21) of the Code*  
 11 *under such terms and conditions as may be mutually agreed upon.*

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

## CHAPTER 136

### ELECTION LAWS

#### H. F. 745

AN ACT to require permanent registration of all voters in the state, to revise and clarify laws prescribing procedures for preparing for, giving notice of, conducting and canvassing elections, and establishing the terms of office of certain elected officers, to more effectively implement previous legislation placing with the county commissioner of elections responsibility for conducting city, school and other elections, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section thirty-nine point one (39.1), Code 1973, is  
 2 amended to read as follows:

3 39.1 **General election.** The general election ~~for state, district,~~  
 4 ~~county, and township officers~~ shall be held throughout the state on *the*  
 5 *first* Tuesday, ~~next~~ after the first Monday in November of each even-  
 6 numbered year.

1 SEC. 2. Section thirty-nine point two (39.2), Code 1973, is  
 2 amended to read as follows:

3 39.2 **Special election.** Special elections authorized by law, or held  
 4 to fill vacancies in any office to be filled by the vote of the qualified  
 5 ~~voters~~ *electors* of the entire state or of any district, county, or town-  
 6 ship may be held at the time designated by such law, or by the officer  
 7 authorized to order such election. *A special election may be held at*

8 *the same time as a general election, primary election, city election or*  
9 *school election.*

1 SEC. 3. Section thirty-nine point three (39.3), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the fol-  
3 lowing:

4 **39.3 Election law definitions.** The definitions established by this  
5 section shall apply wherever the terms so defined appear in this  
6 chapter and in chapters forty-three (43), forty-four (44), forty-five  
7 (45) and forty-seven (47) through fifty-three (53), inclusive, of the  
8 Code unless the context in which any such term is used clearly re-  
9 quires otherwise.

10 1. "Eligible elector" means a person who possesses all of the qual-  
11 ifications necessary to entitle him to be registered to vote, whether  
12 or not he is in fact so registered.

13 2. "Qualified elector" means a person who is registered to vote pur-  
14 suant to chapter forty-eight (48) of the Code.

15 3. "General election" means the biennial election for national or  
16 state officers, members of Congress and of the general assembly,  
17 county and township officers, and for the choice of other officers or  
18 the decision of questions as provided by law.

19 4. "Primary election" means that election by the members of vari-  
20 ous political parties for the purpose of placing in nomination candi-  
21 dates for public office held as required by chapter forty-three (43)  
22 of the Code.

23 5. "City election" means any election held in a city for nomination  
24 or election of the officers thereof.

25 6. "School election" means that election held pursuant to section  
26 two hundred seventy-seven point one (277.1) of the Code.

27 7. "Special election" means any other election held for any pur-  
28 pose authorized or required by law.

29 8. "Election" means a general election, primary election, city elec-  
30 tion, school election or special election.

31 9. "City" means a municipal corporation including a town, but not  
32 including a county, township, school district, or any special purpose  
33 district or authority. When used in relation to land area, "city"  
34 includes only the land area within the city limits.

35 10. "Commissioner" means the county commissioner of elections.

36 11. "State commissioner" means the state commissioner of elec-  
37 tions.

38 12. "Absentee ballot" means any ballot authorized by chapter fifty-  
39 three (53) of the Code.

1 SEC. 4. Section thirty-nine point four (39.4), Code 1973, is  
2 amended to read as follows:

3 **39.4 Proclamation concerning revision of Constitution.** In the  
4 years in which the Constitution requires a vote on the question of  
5 calling a convention and revising the Constitution, *the governor shall*  
6 *at least sixty days before the general election issue a proclamation*  
7 *directing that at the general election there be proposed to the people*  
8 *the following question shall be included in said proclamation:*

9 "Shall there be a convention to revise the Constitution and amend  
10 the same?"

1 SEC. 5. Section thirty-nine point six (39.6), Code 1973, is  
2 amended to read as follows:

3 **39.6 Notice of special election.** A ~~similar~~ proclamation shall be  
4 issued before any ~~special~~ election ordered by the governor, *designat-*  
5 *ing the office to be filled or the public question to be submitted at the*  
6 *election and the time at which such ~~special~~ election shall be held; and*  
7 *the ~~sheriff~~ commissioner of each county in which such election is to*  
8 *be held shall give notice thereof, as provided in section ~~39.5~~ forty-nine*  
9 *point fifty-three (49.53) of the Code.*

1 SEC. 6. Section thirty-nine point eight (39.8), Code 1973, is  
2 amended to read as follows:

3 **39.8 Term of office.** The term of office of all officers chosen at a  
4 general election for a full term shall commence on the ~~second secular~~  
5 *first day of January next thereafter following the election which is*  
6 *not a Sunday or legal holiday, except when otherwise provided by the*  
7 *Constitution or by statute; that of an officer chosen to fill a vacancy*  
8 *shall commence as soon as he has qualified therefor.*

1 SEC. 7. Section thirty-nine point nine (39.9), Code 1973, is  
2 amended to read as follows:

3 **39.9 State officers—term.** The governor, lieutenant governor,  
4 secretary of state, auditor of state, treasurer of state, secretary of  
5 agriculture, and attorney general shall ~~hold office~~ *be elected* for a term  
6 *of two four years at the general election held in the year 1974 and*  
7 *every four years thereafter.*

1 SEC. 8. Section thirty-nine point seventeen (39.17), Code 1973, is  
2 amended to read as follows:

3 **39.17 County officers.** There shall be elected in each county at  
4 the general election to be held in the year ~~1960~~ 1976 and every four  
5 years thereafter, a clerk of the district court, an auditor and a sheriff  
6 who shall hold office for a term of four years.

7 There shall be elected in each county a ~~treasurer and a recorder of~~  
8 ~~deeds~~ at the general election to be held in ~~1962~~ 1974 and each four  
9 years thereafter, *a treasurer, a recorder and a county attorney who*  
10 *such officers shall be elected and hold office for a term of four years.*

11 ~~There shall be elected in each county, at the general election, a~~  
12 ~~county attorney who shall hold office for a term of four years.~~

1 SEC. 9. Section thirty-nine point eighteen (39.18), Code 1973, is  
2 amended to read as follows:

3 **39.18 Board of supervisors and township trustees.** There shall be  
4 elected, biennially, in counties and townships, members of the board  
5 of supervisors and township trustees, respectively, ~~for a term of four~~  
6 ~~years~~ to succeed those whose terms of office will expire on the ~~second~~  
7 ~~secular~~ *first day of January following said the election which is not a*  
8 *Sunday or legal holiday. The term of office of any each supervisor or*  
9 *trustee, taking office for a four-year term one year later than the*  
10 *January next succeeding his election, shall, at the general election*  
11 *which next precedes by more than one year the expiration of his term,*  
12 *be refilled by a member elected to a three-year term or a five-year*  
13 *term to be specified on the ballot as determined by the board, so that*  
14 *the terms of no more than a bare majority of the board will expire in*  
15 *the same year. Thereafter all succeeding members shall be elected to*

16 ~~four-year terms~~ shall be four years, except as otherwise provided by  
 17 section three hundred thirty-one point twenty-five (331.25), subsec-  
 18 tion two (2), and section three hundred thirty-one point twenty-six  
 19 (331.26), subsection four (4).

1 SEC. 10. Chapter thirty-nine (39), Code 1973, is amended by  
 2 adding the following new section:

3 NEW SECTION. **Officers of cities.** The times at which officers of  
 4 cities shall be elected and their terms of office shall be as provided by  
 5 or established pursuant to Acts of the Sixty-fourth General Assem-  
 6 bly, 1972 Session, chapter one thousand eighty-eight (1088), sec-  
 7 tions sixty-one (61) and sixty-two (62). However, the times at  
 8 which officers of cities and towns shall be elected and their terms of  
 9 office shall be governed until July 1, 1974 by sections three hundred  
 10 sixty-three point eight (363.8), three hundred sixty-three point nine  
 11 (363.9), three hundred sixty-three point ten (363.10), three hun-  
 12 dred seventy point one (370.1), three hundred seventy-two point  
 13 three (372.3) and three hundred eighty point one (380.1), Code  
 14 1973, in the respective cities and towns to which these sections are  
 15 applicable.

1 SEC. 11. Chapter thirty-nine (39), Code 1973, is amended by add-  
 2 ing the following new section:

3 NEW SECTION. **School officers.** Members of county boards of edu-  
 4 cation, boards of directors of community and independent school dis-  
 5 tricts, and boards of directors of merged areas shall be elected at the  
 6 school election. Their respective terms of office shall be three years,  
 7 except as otherwise provided by section two hundred eighty A point  
 8 twelve (280A.12) of the Code.

1 SEC. 12. Section forty-three point one (43.1), Code 1973, is  
 2 amended to read as follows:

3 **43.1 "Primary election" defined construed.** The term "primary  
 4 election" as used in required by this chapter shall be construed to  
 5 apply to be an election by the members of various political parties for  
 6 the purpose of placing in nomination candidates for public office.

1 SEC. 13. Section forty-three point two (43.2), Code 1973, is  
 2 amended to read as follows:

3 **43.2 "Political party" defined.** The term "political party" shall  
 4 mean a party which, at the last preceding general election, cast for  
 5 its candidate for *president of the United States or for governor, as*  
 6 *the case may be, at least two percent of the total vote cast for all*  
 7 *candidates for that office at said that election. It shall be the respon-*  
 8 *sibility of the state commissioner to determine whether any organi-*  
 9 *zation claiming to be a political party qualifies as such under the*  
 10 *foregoing definition.*

11 A political organization which is not a "political party" within the  
 12 meaning of this section may nominate candidates and have the names  
 13 of such candidates placed upon the official ballot by proceeding under  
 14 chapters 44 and 45.

1 SEC. 14. Section forty-three point five (43.5), Code 1973, is  
 2 amended to read as follows:

3 **43.5 Applicable statutes.** The provisions of chapters *thirty-nine*

4 (39), forty-seven (47), forty-eight (48), 49, 50, fifty-one (51), fifty-  
 5 two (52), fifty-three (53), fifty-six (56) fifty-seven (57), fifty-eight  
 6 (58), fifty-nine (59), sixty-one (61), sixty-two (62) and 738 shall  
 7 apply, so far as applicable, to all said primary elections, except as  
 8 hereinafter provided.

1 SEC. 15. Section forty-three point eight (43.8), Code 1973, is  
 2 amended to read as follows:

3 **43.8 Secretary of state State commissioner to furnish blanks.**  
 4 The secretary of state commissioner shall, at state expense, furnish  
 5 blank nomination papers, in the form provided in this chapter, to any  
 6 qualified elector who desires to petition for the nomination of any  
 7 candidate, or to any person who intends to be a candidate, for any  
 8 office for which nomination papers are required to be filed in his office.

1 SEC. 16. Section forty-three point nine (43.9), Code 1973, is  
 2 amended to read as follows:

3 **43.9 County auditor Commissioner to furnish blanks.** The county  
 4 auditor commissioner shall, at county expense, perform the duty  
 5 specified in section 43.8, as to all offices for which nomination papers  
 6 are required to be filed in his office.

1 SEC. 17. Section forty-three point ten (43.10), Code 1973, is  
 2 amended to read as follows:

3 **43.10 Blanks furnished by others.** Blank nomination papers  
 4 which are in form substantially as provided by this chapter may be  
 5 used even though not furnished by the secretary of state commis-  
 6 sioner or county auditor commissioner.

1 SEC. 18. Section forty-three point eleven (43.11), subsection two  
 2 (2), Code 1973, is amended to read as follows:

3 2. For United States senator, for an elective state office, for repre-  
 4 sentative in Congress, and for member of the general assembly, in  
 5 the office of the secretary of state commissioner not more than eighty-  
 6 five days nor less than ~~sixty-five~~ sixty-seven days prior to the day  
 7 fixed for holding said primary election.

1 SEC. 19. Section forty-three point fourteen (43.14), Code 1973, is  
 2 amended to read as follows:

3 **43.14 Form of nomination papers.** All nomination papers shall  
 4 be about eight and one-half by thirteen inches in size and in substan-  
 5 tially the following form:

6 "I, the undersigned, a ~~qualified~~ an eligible elector of .....  
 7 county or legislative district, and state of Iowa; and a member of  
 8 the ..... party, hereby nominate ..... of ..... county  
 9 or legislative district, state of Iowa, who has affiliated with and is a  
 10 member of the ..... party, as a candidate for the office of  
 11 ..... to be voted for at the primary election to be held in June,  
 12 19 on ....."

13 No signatures shall be counted unless they are on sheets each  
 14 having such form written or printed at the top thereof. *Nomination*  
 15 *papers on behalf of candidates for seats in the general assembly need*  
 16 *only designate the number of the senatorial or representative dis-*  
 17 *trict, as appropriate, and not the county or counties, in which the*  
 18 *candidate and the petitioners reside.*

1 SEC. 20. Section forty-three point seventeen (43.17), Code 1973,  
2 is amended to read as follows:

3 43.17 **Affidavit to nomination papers.** The affidavit of a qualified  
4 *an eligible* elector, other than the candidate, shall be appended to each  
5 such nomination paper, or papers, if more than one for any candi-  
6 date, stating that he is personally acquainted with to the best of his  
7 knowledge and belief all the persons who have signed the same; that  
8 he knows them to be paper or papers are electors of that county or  
9 legislative district and believes them to be affiliated with the party  
10 named therein; that he knows that they signed the same with full  
11 knowledge of the contents thereof; that their respective residences  
12 are truly stated therein; and that each signer signed the same on the  
13 date stated opposite his name.

1 SEC. 21. Section forty-three point eighteen (43.18), Code 1973,  
2 is amended to read as follows:

3 43.18 **Affidavit by candidate.** Every candidate shall make and  
4 file an affidavit in substantially the following form:

5 "I, \_\_\_\_\_, being duly sworn, say that I reside at \_\_\_\_\_  
6 street, ~~(city or town)~~ city of \_\_\_\_\_, county of \_\_\_\_\_ in the  
7 state of Iowa; that I am eligible to the office for which I am a candi-  
8 date, and that the political party with which I affiliate is the  
9 \_\_\_\_\_ party; that I am a candidate for nomination to the office  
10 of \_\_\_\_\_ to be made at the primary election to be held in June,  
11 19\_\_\_\_ on \_\_\_\_\_, and hereby request that my name be printed  
12 upon the official primary ballot as provided by law, as a candidate  
13 of the \_\_\_\_\_ that party. I furthermore declare that if I am nomi-  
14 nated and elected I will qualify as such officer.

15 (Signed) \_\_\_\_\_  
16 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on  
17 this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

18 \_\_\_\_\_  
19 (Name)  
20 \_\_\_\_\_"  
21 (Official title)

1 SEC. 22. Section forty-three point twenty (43.20), Code 1973, is  
2 amended to read as follows:

3 43.20 **Signatures required—more than one office prohibited.** Nom-  
4 ination papers shall be signed as follows:

5 1. If for a state office, or United States senator, by at least one  
6 percent of the voters of the party of such candidates, in each of at  
7 least ten counties of the state, and in the aggregate not less than one-  
8 half of one percent of the total vote of his party in the state, as  
9 shown by the last general election.

10 2. If for a representative in Congress, in districts composed of  
11 more than one county, by at least two percent of the voters of his  
12 party, as shown by the last general election, in each of at least one-  
13 half of the counties of the district, and in the aggregate not less  
14 than one percent of the total vote of his party in such district, as  
15 shown by the last general election. If for a representative in the  
16 general assembly, not less than fifty voters of the representative dis-  
17 trict; and if for a senator in the general assembly, not less than  
18 one hundred voters of the senatorial district.

19 3. If for an office to be filled by the voters of the county, by at least  
20 two percent of the party vote in the county, as shown by the last gen-  
21 eral election, *or by at least one hundred persons, whichever is less.*

22 In each of the above cases, the vote to be taken for the purpose of  
23 computing the percentage shall be the vote cast for *president of the*  
24 *United States or for governor, as the case may be.*

25 No candidate for public office shall cause nomination papers to  
26 remain filed in the office of the ~~secretary of state~~ *commissioner or*  
27 ~~county auditor,~~ *the commissioner* on the last day for filing nomina-  
28 tion papers, for more than one office to be filled at the primary  
29 election.

30 Any candidate for public office, to be voted for at a primary elec-  
31 tion, who has filed nomination papers for more than one office shall,  
32 not later than the final date for filing, notify the ~~secretary of state~~  
33 ~~commissioner or county auditor~~ *the commissioner* by affidavit, for  
34 which office he elects to be a candidate, which in no case shall be more  
35 than one. In the event no such election is made by such date by the  
36 candidate, the ~~secretary of state~~ *commissioner* shall not certify his  
37 name to be placed on the ballot for any office nor shall the ~~county~~  
38 ~~auditor~~ *commissioner* place his name on the ballot in any county.

1 SEC. 23. Section forty-three point twenty-one (43.21), Code 1973,  
2 is amended to read as follows:

3 **43.21 Township or precinct office.** The name of a candidate for  
4 an office to be filled by the voters of any subdivision of a county shall  
5 be printed on the official primary ballot of his party:

6 1. If a nomination paper signed by ten qualified voters of said sub-  
7 division is filed in his behalf with the ~~county auditor~~ *commissioner* at  
8 least fifty-five days prior to such primary election, or

9 2. If the candidate files with the ~~county auditor~~ *commissioner*,  
10 fifty-five days prior to such primary election, his personal affidavit as  
11 provided by section 43.18.

1 SEC. 24. Section forty-three point twenty-two (43.22), Code 1973,  
2 is amended to read as follows:

3 **43.22 Nominations certified.** The ~~secretary of state~~ *commissioner*  
4 shall, at least fifty-five days before a primary election, furnish to *the*  
5 *commissioner of each county* ~~auditor~~ a certificate under his hand and  
6 seal, which certificate shall show:

7 1. The name and post-office address of each person for whom a  
8 nomination paper has been filed in his office, and for whom the voters  
9 of said county have the right to vote at said election.

10 2. The office for which such person is a candidate.

11 3. The political party from which such person seeks a nomination.

1 SEC. 25. Section forty-three point twenty-five (43.25), Code 1973,  
2 is amended to read as follows:

3 **43.25 Correction of errors.** The ~~county auditor~~ *commissioner*  
4 shall correct any errors or omissions in the names of candidates and  
5 any other errors brought to his knowledge before the printing of the  
6 ballots.

1 SEC. 26. Section forty-three point twenty-seven (43.27), Code  
2 1973, is amended to read as follows:

3 **43.27 Printing of ballots.** The ballots of each political party shall

4 be printed in black ink, on separate sheets of paper, uniform in color,  
 5 quality, texture, and size, with the name of the political party  
 6 printed at the head of said ballots, which ballots shall be prepared  
 7 by the ~~county auditor~~ *commissioner* in the same manner as for the  
 8 general election, except as in this chapter provided.

1 SEC. 27. Section forty-three point twenty-eight (43.28), Code  
 2 1973, is amended to read as follows:

3 **43.28 Names of candidates—arrangement.** The names of all can-  
 4 didates for offices shall be arranged and printed upon the primary  
 5 election ballots ~~in the following manner:~~ *The county auditor shall*  
 6 ~~prepare a list of the election precincts of his county, by arranging the~~  
 7 ~~various townships, towns, and cities in the county in alphabetical~~  
 8 ~~order, and the wards or precincts of each city, town, or township in~~  
 9 ~~numerical order under the name of such city, town, or township. He~~  
 10 ~~shall then arrange the surnames of all candidates for such offices~~  
 11 ~~alphabetically for the respective offices for the first precinct in the~~  
 12 ~~list; thereafter, for each succeeding precinct, the names appearing~~  
 13 ~~first for the respective offices in the last preceding precinct shall be~~  
 14 ~~placed last, so that the names that were second before the change shall~~  
 15 ~~be first after the change. The procedure for arrangement of names on~~  
 16 ~~ballots provided in this section shall likewise be substantially followed~~  
 17 ~~in primary elections in political subdivisions of less than a county~~  
 18 ~~under the direction of the commissioner. If there are more candidates~~  
 19 ~~for nomination by a political party to an office than the number of~~  
 20 ~~persons to be elected to that office at the general election, the names~~  
 21 ~~of the candidates of that party for that nomination shall be rotated~~  
 22 ~~on the primary election ballot by the commissioner in the manner~~  
 23 ~~prescribed by section forty-nine point thirty-one (49.31) of the Code.~~

1 SEC. 28. Section forty-three point thirty (43.30), Code 1973, is  
 2 amended to read as follows:

3 **43.30 Sample ballots.** ~~The county auditor~~ *commissioner* shall take  
 4 from the official printed ballots of each precinct ~~ten a suitable number~~  
 5 ~~of ballots of each political party, and shall write or stamp, in red ink,~~  
 6 ~~near the top of each ballot, the words "sample ballot" and shall sign~~  
 7 ~~or stamp his official signature thereunder. Said ballots shall be~~  
 8 ~~delivered to the judges, but shall not be voted, received, or counted.~~  
 9 ~~Said judges shall, before the opening of the polls, cause said sample~~  
 10 ~~ballots to be posted in and about the polling places.~~

1 SEC. 29. Section forty-three point thirty-six (43.36), Code 1973,  
 2 is amended to read as follows:

3 **43.36 Australian ballot.** The Australian ballot system as now  
 4 used in this state, except as herein modified, shall be used at said pri-  
 5 mary election. The endorsement of the judges and the facsimile of  
 6 the ~~auditor's~~ *commissioner's* signature shall appear upon the ballots  
 7 as provided for general elections.

1 SEC. 30. Section forty-three point forty-one (43.41), Code 1973,  
 2 is amended to read as follows:

3 **43.41 Change of party affiliation before primary.** Any *qualified*  
 4 elector, who, having declared his party affiliation, desires to change  
 5 the same, may, ~~not less than ten days prior to the date of any~~ *before*  
 6 ~~the close of registration for the primary election, file a written decla-~~

7 ration with the county auditor stating his change of party affiliation,  
8 and the auditor with the county commissioner of registration who  
9 shall enter a record notation of such change on the pollbooks of the  
10 last preceding primary election in the proper column opposite the  
11 voter's name and on the voting list registration records.

1 SEC. 31. Section forty-three point forty-two (43.42), Code 1973,  
2 is amended to read as follows:

3 **43.42 New voters Change or declaration of party affiliation at polls.**  
4 Any qualified elector whose party affiliation has not, for any reason,  
5 been registered, or any elector who has changed his residence to  
6 another precinct, or a first voter or citizen of this state casting his  
7 first vote in this state, may change or declare his party affiliation at  
8 the polls on election day and shall be entitled to vote at any primary  
9 election by declaring his party affiliation at the time of voting. Each  
10 change or declaration of a qualified elector's party affiliation so  
11 received shall be reported by the judges of election to the commis-  
12 sioner of registration who shall enter a notation of the change on the  
13 registration records.

1 SEC. 32. Section forty-three point forty-five (43.45), subsections  
2 six (6) and eight (8), Code 1973, are amended to read as follows:

3 6. Seal the pollbooks, containing precinct election register and the  
4 tally sheets and certificates of the election judges, in an envelope, on  
5 the outside of which are written or printed in perpendicular columns  
6 the names of the several political parties with the names of the candi-  
7 dates for the different offices under their party name, and opposite  
8 each candidate's name enter the number of votes cast for such candi-  
9 date in said precinct.

10 8. Communicate the results of the ballots cast for each candidate  
11 for office upon the ticket of each political party, by telephone or tele-  
12 graph or in person in the manner required by section fifty point eleven  
13 (50.11) of the Code, to the county auditor commissioner of the county  
14 in which said polls are located; and the county auditor, who shall  
15 remain on duty until the results are communicated to him from each  
16 polling place in the county.

1 SEC. 33. Section forty-three point forty-six (43.46), Code 1973,  
2 is amended to read as follows:

3 **43.46 Delivering returns.** Said judges and clerks shall deliver  
4 said pollbooks the election register, tally sheets, certificates, envelopes  
5 containing ballots, and all unused supplies to the county auditor,  
6 within twenty-four hours after the close of the polls. Said auditor,  
7 to the commissioner who shall carefully preserve said the returns  
8 and envelopes in the condition in which received and deliver them to  
9 the county board of canvassers.

1 SEC. 34. Section forty-three point forty-seven (43.47), Code  
2 1973, is amended to read as follows:

3 **43.47 Messenger sent for returns.** If the returns from any pre-  
4 cinct are not delivered as provided in section 43.46, the county auditor  
5 commissioner shall forthwith send a messenger for any such the  
6 missing returns, and said the messenger shall be paid as provided  
7 by section fifty point forty-seven (50.47) of the Code for such services  
8 in the general election law.

1 SEC. 35. Section forty-three point forty-nine (43.49), unnum-  
2 bered paragraph one (1), Code 1973, is amended to read as follows:  
3 On the ~~Friday~~ *next Monday* following the primary election, the  
4 board of supervisors shall meet, open and canvass the returns from  
5 each voting precinct in the county, and make abstracts thereof, stat-  
6 ing in words written at length:

1 SEC. 36. Section forty-three point fifty (43.50), Code 1973, is  
2 amended to read as follows:

3 **43.50 Signing and filing of abstract.** The members of the board  
4 shall sign said abstracts and certify to the correctness thereof, and  
5 file the same with the ~~county auditor~~ *commissioner*.

1 SEC. 37. Section forty-three point fifty-two (43.52), Code 1973,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **43.52 Nominees for county office.** The nominee of each political  
5 party for any office to be filled by the voters of the county shall be  
6 the person receiving the highest number of votes cast in the primary  
7 election by the voters of that party for the office, and that person  
8 shall appear as the party's candidate for the office on the general  
9 election ballot.

10 If no candidate receives thirty-five percent or more of the votes  
11 cast by voters of his party for the office he is seeking, the primary is  
12 inconclusive and the nomination shall be made as provided by section  
13 forty-three point ninety-seven (43.97), subsection one (1) of the  
14 Code.

15 **When two or more nominees are required, as in the case of at-large**  
16 **elections, the nominees shall likewise be the required number of per-**  
17 **sons who receive the greatest number of votes cast in the primary**  
18 **election by the voters of the nominating party, but no candidate is**  
19 **nominated who fails to receive thirty-five percent of the number of**  
20 **votes found by dividing the number of votes cast by voters of the**  
21 **candidate's party for the office in question by the number of persons**  
22 **to be elected to that office. If the primary is inconclusive under this**  
23 **paragraph, the necessary number of nominations shall be made as**  
24 **provided by section forty-three point ninety-seven (43.97), subsec-**  
25 **tion one (1), of the Code.**

1 SEC. 38. Section forty-three point fifty-three (43.53), Code 1973,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **43.53 Nominees for subdivision office—write-in candidates.** The  
5 nominee of each political party for any office to be filled by the voters  
6 of any subdivision of the county shall be the person receiving the  
7 highest number of votes cast in the primary election by the voters  
8 of that party for the office and that person shall appear as the party's  
9 candidate for the office on the general election ballot. A person  
10 whose name is not printed on the official primary ballot shall not be  
11 declared nominated as a candidate in the general election unless he  
12 receives the greater of at least five votes or a number of votes equal  
13 to at least five percent of the votes cast in the subdivision at the last  
14 preceding general election for the party's candidate for president of  
15 the United States or for governor, as the case may be.

1 SEC. 39. Section forty-three point fifty-six (43.56), Code 1973, is  
2 amended to read as follows:

3 **43.56 Recount.** Any candidate whose name appears upon the offi-  
4 cial primary ballot of any voting precinct may require the board of  
5 supervisors of the county in which such precinct is situated to re-  
6 count the ballots cast in any such precinct as to the office for which  
7 he was a candidate, by filing with the ~~county auditor~~ *commissioner*  
8 not later than one o'clock p.m. on ~~Wednesday~~ *Friday* after the official  
9 canvass made by the board of supervisors is finished, a showing in  
10 writing, duly sworn to by such candidate, that fraud was committed,  
11 or error or mistake made, in counting or returning the votes cast in  
12 any such precinct as to the office for which he was a candidate.

1 SEC. 40. Section forty-three point sixty (43.60), Code 1973, is  
2 amended to read as follows:

3 **43.60 Abstracts to ~~secretary of state~~ *commissioner*.** The county  
4 board of canvassers shall also make a separate abstract of the canvass  
5 as to the following offices and certify to the same and forthwith for-  
6 ward it to the ~~secretary of state~~ *commissioner*, viz:  
7 1. United States senator.  
8 2. All state offices.  
9 3. ~~Representative in Congress~~ *United States representative*.  
10 4. Senators and representatives in the general assembly.

1 SEC. 41. Section forty-three point sixty-one (43.61), Code 1973,  
2 is amended to read as follows:

3 **43.61 Returns filed and abstracts recorded.** When the canvass is  
4 concluded, the board shall deliver the original returns to the ~~auditor~~  
5 *commissioner*, who shall file the same and record each of the abstracts  
6 mentioned in section 43.60, in the election book.

1 SEC. 42. Section forty-three point sixty-three (43.63), Code 1973,  
2 is amended to read as follows:

3 **43.63 Canvass by state board.** On the second ~~Wednesday~~ *Friday*  
4 after the ~~June~~ primary election, the executive council shall meet as a  
5 canvassing board, and open and canvass the abstract returns received  
6 from each county in the state. The board shall make an abstract of  
7 its canvass, stating in words written at length, the number of ballots  
8 cast by each political party, separately, for each office designated in  
9 the abstracts forwarded to the ~~secretary of state~~ *commissioner*, the  
10 names of all the persons voted for, and the number of votes received  
11 by each person for each office, and shall sign and certify thereto.

1 SEC. 43. Section forty-three point sixty-five (43.65), Code 1973,  
2 is amended to read as follows:

3 **43.65 Who nominated.** The candidate of each political party for  
4 *nomination* for each office to be filled by ~~vote of the people~~ *the voters*  
5 *of the entire state, and for each seat in the United States house of*  
6 *representatives, the Iowa house of representatives and each seat in*  
7 *the Iowa senate which is to be filled,* ~~having received~~ *who receives* the  
8 highest number of votes ~~in the state or district of the state, as the~~  
9 ~~case may be, provided he received not less than thirty-five percent of~~  
10 ~~all the votes cast by the voters of that party for such office, that~~  
11 ~~nomination shall be duly and legally nominated as the candidate of~~  
12 ~~his~~ *that party for such that office in the general election, except as*

13 provided in section 43.66. However, if there are more than two can-  
 14 didates for any nomination and none of the candidates receives thirty-  
 15 five percent or more of the votes cast by voters of his party for that  
 16 nomination, the primary is inconclusive and the nomination shall be  
 17 made as provided by section forty-three point one hundred one  
 18 (43.101), subsection one (1), or section forty-three point one hun-  
 19 dred nine (43.109), subsection one (1), of the Code, whichever is  
 20 appropriate.

1 SEC. 44. Section forty-three point sixty-six (43.66), Code 1973,  
 2 is amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **43.66 Write-in candidates.** The fact that the candidate who  
 5 receives the highest number of votes cast for any party's nomination  
 6 for an office to which section 43.65 of the Code is applicable is a per-  
 7 son whose name was not printed on the official primary election bal-  
 8 lot shall not affect the validity of the person's nomination as a candi-  
 9 date for that office in the general election.

1 SEC. 45. Section forty-three point seventy (43.70), Code 1973, is  
 2 amended to read as follows:

3 **43.70 Delivery of certificates.** The certificate provided in section  
 4 43.69 shall be sent:

5 1. To the chairman of the state central committee of said party, in  
 6 case of offices to be filled by the voters of the entire state.

7 2. To the chairman, if known, of the district central committee of  
 8 said party, and to each ~~county auditor~~ *commissioner*, in case of offices  
 9 to be filled by the voters of any district of the state composed of more  
 10 than one county.

11 3. To the chairman of the county central committee of said party,  
 12 and to the ~~county auditor~~ *commissioner*, in case of offices to be filled  
 13 by the voters of a district of the state composed of one county, or a  
 14 *portion of one county*.

15 4. To the chairman of the legislative representative central com-  
 16 mittee or senate legislative central committee of said party and to  
 17 each ~~county auditor~~ *commissioner* in case of a representative or  
 18 senator in the general assembly *elected from districts composed of*  
 19 *all or portions of two or more counties*.

1 SEC. 46. Section forty-three point seventy-one (43.71), Code 1973,  
 2 is amended to read as follows:

3 **43.71 Messenger sent for abstracts.** If returns of abstracts have  
 4 not been received by the state canvassing board from all the counties  
 5 by the time fixed for ~~such~~ *the* state canvass, the ~~secretary~~ *of* state  
 6 *commissioner* shall immediately send a messenger after ~~said~~ *the*  
 7 missing abstracts, and the ~~said~~ board may adjourn from time to time  
 8 until ~~said~~ *the* abstracts are received.

1 SEC. 47. Section forty-three point seventy-two (43.72), Code  
 2 1973, is amended to read as follows:

3 **43.72 State returns filed and recorded.** When the canvass is con-  
 4 cluded, the board shall deliver the original abstract returns to the  
 5 ~~secretary~~ *of* state *commissioner*, who shall file the same in his office  
 6 and record the abstracts of the canvass of the state board and cer-

7 tificates attached thereto in the book kept by him known as the  
8 election book.

1 SEC. 48. Section forty-three point seventy-three (43.73), Code  
2 1973, is amended to read as follows:

3 **43.73 Secretary of State commissioner to certify nominees.** Not  
4 less than fifty-five days before the general election the secretary of  
5 state commissioner shall certify to the auditor of each county com-  
6 missioner, under separate party headings, the name of each person  
7 nominated as shown by the official canvass made by the executive  
8 council, or as certified to him by the proper persons when any person  
9 has been nominated by a convention or by a party committee, or by  
10 petition, his place of residence, the office to which he is nominated,  
11 and the order in which the tickets of the several political parties shall  
12 appear on the official ballot.

1 SEC. 49. Section forty-three point seventy-four (43.74), Code  
2 1973, is amended to read as follows:

3 **43.74 Certificate in case of additional nominations.** If, after the  
4 foregoing certificate has been forwarded, other authorized nomina-  
5 tions are certified to the secretary of state commissioner, including  
6 nominations to be voted on at any time at a special election, said  
7 secretary the state commissioner shall at once, in the form provided  
8 in section 43.73, certify said nominations to the county auditors  
9 commissioners with a statement showing the reason therefor.

1 SEC. 50. Section forty-three point eighty-three (43.83), Code  
2 1973, is amended to read as follows:

3 **43.83 Vacancies in office of congressman.** A nomination candi-  
4 date to be voted on at a special election and occasioned by a vacancy  
5 in the office of representative in Congress United States representa-  
6 tive, shall be made nominated by a convention duly called by the  
7 district central committee not less than twenty-five days prior to the  
8 date set for the special election.

1 SEC. 51. Section forty-three point ninety (43.90), Code 1973, is  
2 amended to read as follows:

3 **43.90 Delegates.** The county convention shall be composed of del-  
4 gates elected at the last preceding precinct caucus. Delegates shall  
5 be persons who are or will by the date of the next general election  
6 become eligible voters electors and who are residents of the precinct  
7 including persons eighteen years of age or over who are residents of  
8 the precinct and who meet all other qualifications of an eligible voter  
9 in the precinct. The number of delegates from each voting precinct  
10 shall be determined by a ratio adopted by the respective party county  
11 central committees, and a statement designating the number from  
12 each voting precinct in the county shall be filed by such committee  
13 in the office of the county auditor at least fifty-five days before the  
14 primary election; if not so done, the auditor in the office of the com-  
15 missioner. If the required statement is not filed, the commissioner  
16 shall fix the number of delegates from each voting precinct.

1 SEC. 52. Section forty-three point ninety-one (43.91), Code 1973,  
2 is amended to read as follows:

3 **43.91 Voter at caucus must be precinct resident.** Any person vot-

4 ing at a precinct caucus must be a person who is or will by the date  
5 of the next general election become an eligible voter elector and who  
6 is a resident of the precinct, provided that persons eighteen years of  
7 age or over who are residents of the precinct and meet all other  
8 qualifications of an eligible voter in the precinct shall be entitled to  
9 vote. A list of the names and addresses of each person to whom a  
10 ballot was delivered or who was allowed to vote in each precinct  
11 caucus shall be prepared by the caucus chairman and secretary who  
12 shall certify such list to the county auditor commissioner at the same  
13 time as the names of those elected as delegates and party committee-  
14 men are so certified.

1 SEC. 53. Section forty-three point ninety-six (43.96), Code 1973,  
2 is amended to read as follows:

3 **43.96 Proxies prohibited.** If any precinct shall not be fully repre-  
4 sented the delegates present from such precinct shall cast the full  
5 vote thereof if the rules of the convention, party bylaws or constitu-  
6 tion so permit, and there shall be no proxies.

1 SEC. 54. Section forty-three point ninety-seven (43.97), subsection  
2 four (4), Code 1973, is amended to read as follows:

3 4. Elect delegates to the next ensuing regular state convention  
4 and to all district conventions of that year upon such ratio of repre-  
5 sentation as may be determined by the party organization for the  
6 state, district or districts of the state, as the case may be. Delegates  
7 to district conventions need not be selected in the absence of any  
8 apparent reason therefor. Delegates shall be persons who are or  
9 will by the date of the next general election become eligible voters  
10 electors and who are residents of the county, including persons  
11 eighteen years of age or over who are residents of the county and  
12 meet all other qualifications of an eligible voter in the county.

1 SEC. 55. Section forty-three point ninety-nine (43.99), Code 1973,  
2 is amended to read as follows:

3 **43.99 Party committeemen committee members.** A man member  
4 and a woman member Two members of the county central committee  
5 for each political party shall, at the precinct caucuses, be elected from  
6 each precinct. The term of office of a member shall begin immedi-  
7 ately following the adjournment of the county convention and shall  
8 continue for two years and until his or her successor is elected and  
9 qualified, unless sooner removed by the county central committee for  
10 inattention to duty, or incompetency, or failure to support the ticket  
11 nominated by the party which elected the member.

1 SEC. 56. Section forty-three point one hundred (43.100), Code  
2 1973, is amended to read as follows:

3 **43.100 Central committee—vacancies duties.** The county central  
4 committee shall organize on the day of the convention, immediately  
5 following the same.

6 Every county central committee shall adopt a constitution and  
7 bylaws which shall govern the committee's operation. A copy of the  
8 constitution and bylaws so adopted shall be kept on file at the office  
9 of the commissioner for the county in which the central committee  
10 exists and at the office of the state commissioner. Initial copies of  
11 each county central committee's constitution and bylaws shall be filed

12 *in compliance with this section no later than December 31, 1973.*  
 13 *Amendments to a county central committee's constitution or bylaws*  
 14 *shall upon adoption be filed in the same manner as the original docu-*  
 15 *ments.*

16 Vacancies in such committee may be filled by majority vote of the  
 17 committee, but no two members thereof from the same precinct shall  
 18 be of the same sex.

1 SEC. 57. Section forty-three point one hundred two (43.102),  
 2 Code 1973, is amended to read as follows:

3 **43.102 Call for district convention.** The district central com-  
 4 mittee, through its chairman, shall as soon as practicable after the  
 5 necessity for such convention is known, issue a call for such congres-  
 6 sional convention, and immediately file a copy thereof with each  
 7 county auditor commissioner in the district. Said call shall state the  
 8 number of delegates to which each county will be entitled, the time  
 9 and place of holding the convention, and the purpose thereof.

1 SEC. 58. Section forty-three point one hundred three (43.103),  
 2 Code 1973, is amended to read as follows:

3 **43.103 Duty of county auditor commissioner.** The county auditor  
 4 commissioner, in case the district delegates for his county have not  
 5 been selected, shall deliver a copy of said call to the chairman of the  
 6 convention which selects said delegates.

1 SEC. 59. Section forty-three point one hundred six (43.106),  
 2 Code 1973, is amended to read as follows:

3 **43.106 Nominations permitted.** A district convention of a party  
 4 may be held to nominate candidates for any office for which no nomi-  
 5 nation exists due to the failure of a candidate to file nomination  
 6 papers for such office, or due to the failure of any candidate to  
 7 receive the number of votes required for nomination by section 43.66  
 8 or to place a name on the ballot as authorized under subsection 1 of  
 9 section 43.59.

1 SEC. 60. Section forty-three point one hundred eight (43.108),  
 2 Code 1973, is amended to read as follows:

3 **43.108 Organization—proxies prohibited.** The convention shall  
 4 be called to order by the chairman of the state central committee,  
 5 who shall thereupon present a list of delegates, as certified by the  
 6 various county conventions, and effect a temporary organization. If  
 7 any county shall not be fully represented, the delegates present from  
 8 such county shall cast the full vote thereof *if the rules of the con-*  
 9 *vention, party bylaws or constitution so allow*, and there shall be no  
 10 proxies.

1 SEC. 61. Section forty-three point one hundred ten (43.110), Code  
 2 1973, is amended to read as follows:

3 **43.110 Nominations permitted.** The state convention of a party,  
 4 if the convention is held following the primary election, may make  
 5 nominations for any office for which no nomination exists due to  
 6 the failure of a candidate to file nomination papers for such office  
 7 or due to the failure of any candidate to receive the number of votes  
 8 required for nomination by section 43.66. If the state convention was  
 9 held preceding the primary election, the party state central committee

10 ~~may make such nominations or may shall~~ reconvene the delegates of  
11 the last preceding state convention for such purpose.

1 SEC. 62. Section forty-three point one hundred eleven (43.111),  
2 Code 1973, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 **43.111 State party platform, constitution, bylaws and central**  
5 **committee.** The state convention held by each political party pursu-  
6 ant to section forty-three point one hundred seven (43.107) of the  
7 Code shall adopt a state platform, adopt or amend a state party con-  
8 stitution, and bylaws if desired, and transact other business which  
9 may properly be brought before it. A copy of the constitution and  
10 any bylaws so adopted or amended shall be kept on file in the office  
11 of the state commissioner. Initial copies of each political party's  
12 state constitution, and bylaws, if any, shall be filed in compliance  
13 with this section not later than August 30, 1974.

14 There shall be selected at or prior to each political party's state  
15 convention a state party central committee consisting of an equal  
16 number of members from each congressional district, which number  
17 shall be determined by the party constitution or bylaws, who shall  
18 be elected or nominated by the district convention or caucus.

19 The state central committee so selected may organize at pleasure  
20 for political work as is usual and customary with such committees,  
21 adopt bylaws, provide for the governing of party auxiliary bodies,  
22 and shall continue to act until succeeded by another central committee  
23 selected as required by this section. The auditor of state shall annu-  
24 ally audit the receipts and disbursements of each political party's  
25 state party central committee.

1 SEC. 63. Section forty-three point one hundred twelve (43.112),  
2 Code 1973, is amended to read as follows:

3 **43.112 Nominations in certain cities and towns.** This chapter  
4 shall, so far as applicable, govern the nominations of candidates by  
5 political parties for all offices to be filled by a direct vote of the people  
6 in cities acting under a special charter in ~~1959~~ 1973 and having a  
7 population of over ~~fifteen~~ fifty thousand, except all such cities as  
8 adopt a plan of municipal government which specifically provides for  
9 a nonpartisan primary election. *Sections forty-three point one hun-*  
10 *dred thirteen (43.113) through forty-three point one hundred eigh-*  
11 *teen (43.118) of the Code shall apply only to cities to which this*  
12 *chapter is made applicable by this section.*

13 ~~In other cities, and in towns, candidates of a political party which~~  
14 ~~at the last preceding general state election east, in such city or town,~~  
15 ~~for its candidate for governor at least two percent of the total vote~~  
16 ~~east in such city or town, may, under the provisions of chapter 44,~~  
17 ~~be nominated by a convention or caucus for city or town offices elec-~~  
18 ~~tive by the people.~~

1 SEC. 64. Section forty-three point one hundred thirteen (43.113),  
2 Code 1973, is amended to read as follows:

3 **43.113 Duty of city and town officers.** The duties devolving upon  
4 the ~~county auditor commissioner~~ and board of supervisors, by this  
5 chapter, shall, in municipal elections *authorized by section forty-three*  
6 *point one hundred twelve (43.112) of the Code,* devolve upon the city

7 clerk and city council, respectively. Said council shall meet to per-  
8 form said duties within two days next following the primary election.

1 SEC. 65. Section forty-three point one hundred fourteen (43.114),  
2 Code 1973, is amended to read as follows:

3 43.114 **Time of holding special charter city primary.** In special  
4 charter cities holding a municipal primary election under the pro-  
5 visions of section 43.112 such primary shall be held on the first  
6 ~~Monday~~ Tuesday in October of the year in which general municipal  
7 elections are held.

1 SEC. 66. Section forty-three point one hundred fifteen (43.115),  
2 Code 1973, is amended to read as follows:

3 43.115 **Nomination papers—Percentage number of signers.** All  
4 candidates for nominations to be made in primary elections held pur-  
5 suant to section forty-three point one hundred twelve (43.112) of the  
6 Code shall file nomination papers with the city clerk not less than  
7 thirty days prior to the date of the election as established by section  
8 forty-three point one hundred fourteen (43.114) of the Code, except  
9 that candidates for precinct committee member shall file affidavits of  
10 candidacy as required by section four hundred twenty point one hun-  
11 dred thirty (420.130) of the Code. The percentage number of voters  
12 eligible electors signing petitions required for printing the name of  
13 a candidate upon the official primary ballot shall be the same as is  
14 required of a candidate for a county office and shall be based upon the  
15 vote cast for mayor by the respective parties in the preceding city  
16 election one hundred for an office to be filled by the voters of the  
17 entire city and twenty-five for an office to be filled by the voters of a  
18 subdivision of the city.

1 SEC. 67. Section forty-three point one hundred seventeen  
2 (43.117), Code 1973, is amended to read as follows:

3 43.117 **Plurality vote nominates and elects.** A plurality shall  
4 nominate the party candidate for ~~alderman~~ all offices filled by elec-  
5 tions authorized by section forty-three point one hundred twelve  
6 (43.112) of the Code, and a plurality shall elect the precinct commit-  
7 teemen and delegates to the city convention.

1 SEC. 68. Section forty-three point one hundred eighteen (43.118),  
2 Code 1973, is amended to read as follows:

3 43.118 **Expense.** The entire expense of conducting said municip-  
4 al primary election and preparation of election registers shall be  
5 audited by the city council and paid by the city.

1 SEC. 69. Section forty-three point one hundred nineteen (43.119),  
2 Code 1973, is amended to read as follows:

3 43.119 **Misconduct.** Any party committeeman or any primary  
4 election officer or public officer upon whom a duty is imposed by this  
5 chapter or by chapters herein made applicable, who shall willfully  
6 neglect to perform any such duty, or who shall willfully perform it  
7 in such a way as to hinder the objects thereof, or shall disclose to  
8 anyone, except as may be ordered by any court of justice, the man-  
9 ner in which a ballot may have been voted, shall be punished by a  
10 fine of not less than one hundred dollars nor more than one thousand

11 dollars, or by imprisonment in the ~~penitentiary~~ county jail for not to  
12 exceed ~~five years~~ one year, or by both such fine and imprisonment.

1 SEC. 70. Section forty-four point one (44.1), Code 1973, is  
2 amended to read as follows:

3 **44.1 Political nonparty organizations.** Any convention or caucus  
4 of ~~qualified~~ eligible electors representing a political organization  
5 which is not a political party as defined by law, may, for the state,  
6 or for any division or municipality thereof, or for any county, or for  
7 any subdivision thereof, for which such convention or caucus is held,  
8 make one nomination of a candidate for each office to be filled therein  
9 at the general election. ~~Provided that~~ *However, in order to qualify*  
10 *for any nomination made for a state-wide elective office by such a*  
11 *political organization there shall require be in attendance, at the*  
12 *convention or caucus where the nomination is made a minimum of*  
13 *two hundred fifty qualified eligible electors with including at least*  
14 *one eligible elector from each of twenty-five counties. ~~To~~ In order to*  
15 *qualify for any nomination made for a to the office of United States*  
16 *representative there shall require, be in attendance, at the convention*  
17 *or caucus where the nomination is made a minimum of fifty qualified*  
18 *eligible electors who are residents of the congressional district with*  
19 *including at least one eligible elector from each of at least one-half*  
20 *of the counties of the congressional district. In order to qualify for*  
21 *any nomination to an office to be filled by the voters of a county or*  
22 *of a city there shall be in attendance at the convention or caucus*  
23 *where the nomination is made a minimum of ten eligible electors who*  
24 *are residents of the county or city, as the case may be, including at*  
25 *least one eligible elector from at least one-half of the voting precincts*  
26 *in that county or city. ~~To~~ In order to qualify for any nomination*  
27 *made for the general assembly there shall require, be in attendance,*  
28 *at the convention or caucus where the nomination is made a minimum*  
29 *of ten qualified eligible electors who are residents of the representa-*  
30 *tive district or twenty eligible electors who are residents of the sena-*  
31 *torial district, as the case may be, with at least one eligible elector*  
32 *from one-half of the voting precincts in the district, in each case.*  
33 *The names of all delegates in attendance at such convention or caucus*  
34 *and such fact shall be certified to the secretary of state commissioner*  
35 *together with the other certification requirements of this chapter.*

1 SEC. 71. Section forty-four point four (44.4), Code 1973, is  
2 amended to read as follows:

3 **44.4 Nominations and objections—time and place of filing.** Nomi-  
4 nations made under provisions of this chapter, chapter 43 and chap-  
5 ter 45 which are required to be filed in the office of the ~~secretary~~ of  
6 the state commissioner shall be filed in said office not more than  
7 eighty-five nor less than ~~sixty-five~~ *sixty-seven* days prior to the date  
8 of the general election to be held in November; and those nominations  
9 which are required to be filed in the office of the ~~county auditor com-~~  
10 *missioner* shall be filed in said office not less than fifty-five days prior  
11 to the date of said general election. Such nominations for ~~municipal~~  
12 *city office* shall be filed ~~with the city or town clerk~~ *at least four weeks*  
13 *not more than sixty-five days nor less than forty days* prior to the  
14 ~~municipal city~~ *election with the city clerk, who shall process them as*  
15 *provided by law.*

16 Objection to the legal sufficiency of a certificate of nomination or  
 17 to the eligibility of a candidate may be filed by any person who would  
 18 have the right to vote for a candidate for the office in question. Such  
 19 objections must be filed with the officer with whom such certificate is  
 20 filed and within the following time:

21 1. Those filed with the ~~secretary of~~ state *commissioner*, not less  
 22 than sixty days before the day of election.

23 2. Those filed with the ~~county auditor~~ *commissioner*, not less than  
 24 fifty days before the day of election.

25 3. Those filed with the city or town clerk, at least ~~twenty-three~~  
 26 *thirty* days prior to the municipal election.

27 ~~3~~ 4. In case of nominations to fill vacancies occurring after said  
 28 ~~sixty-five or fifty-five days, as the case may be the time when an~~  
 29 *original nomination for any office is required to be filed*, objections  
 30 shall be filed within three days after the filing of the certificate, ~~pre-~~  
 31 ~~vided such vacancies shall be filled not later than sixty days prior to~~  
 32 ~~the election in the case of offices, certificate for which is required to be~~  
 33 ~~filed in the office of the secretary of state, and not later than fifty days~~  
 34 ~~prior to the election in case of offices, certificate for which is required~~  
 35 ~~to be filed in the office of the county auditor.~~

1 SEC. 72. Section forty-four point six (44.6), Code 1973, is  
 2 amended to read as follows:

3 **44.6 Hearing before ~~secretary of state~~ *commissioner*.** Objections  
 4 filed with the ~~secretary of state~~ *commissioner* shall be considered by  
 5 the secretary of state and auditor of state and attorney general, and a  
 6 majority decision shall be final; but if the objection is to the certifi-  
 7 cate of nomination of one or more of the above named officers, said  
 8 officer or officers so objected to shall not pass upon the same, but their  
 9 places shall be filled, respectively, by the treasurer of state, the gov-  
 10 ernor, and the ~~superintendent of public instruction~~ *secretary of agri-*  
 11 *culture*.

1 SEC. 73. Section forty-four point seven (44.7), Code 1973, is  
 2 amended to read as follows:

3 **44.7 Hearing before ~~county auditor~~ *commissioner*.** Objections  
 4 filed with the ~~county auditor~~ *commissioner* shall be considered by the  
 5 county auditor, clerk of the district court, and county attorney, and a  
 6 majority decision shall be final; but if the objection is to the certifi-  
 7 cate of nomination of one or more of the above named county officers,  
 8 said officer or officers so objected to shall not pass upon such objec-  
 9 tion, but their places shall be filled, respectively, by the county trea-  
 10 surer, the sheriff, and county ~~superintendent~~ *recorder*.

1 SEC. 74. Section forty-four point eight (44.8), Code 1973, is  
 2 amended to read as follows:

3 **44.8 Hearing before mayor.** Objections filed with the city or town  
 4 clerk shall be considered by the mayor and clerk and one member of  
 5 the council chosen by the council by ballot, and a majority decision  
 6 shall be final; but if the objection is to the certificate of nomination  
 7 of either of ~~said those~~ city or town officials, he shall not pass upon  
 8 said objection, but his place shall be filled by a member of the council  
 9 against whom no such objection exists, chosen as above provided.

1 SEC. 75. Section forty-four point nine (44.9), Code 1973, is  
2 amended to read as follows:

- 3 **44.9 Withdrawals.** Any candidate named under this chapter or  
4 chapter 43 may withdraw his nomination by a written request, signed  
5 and acknowledged by him before any officer empowered to take  
6 acknowledgment of deeds. Such withdrawal must be filed as follows:  
7 1. In the office of the ~~secretary of state~~ *commissioner*, at least sixty  
8 days before the day of election.  
9 2. In the office of the proper ~~county auditor~~ *commissioner*, at least  
10 fifty days before the day of the election.  
11 3. In the office of the proper city ~~or town~~ clerk, at least ~~twenty-~~  
12 ~~three~~ *thirty* days before the day of the election.  
13 4. In the office of the ~~secretary of state~~ *commissioner*, in case of a  
14 special election to fill vacancies, at least sixteen days before the day  
15 of election.  
16 5. In the office of the proper ~~county auditor~~ *commissioner*, or city  
17 ~~or town~~ clerk, in case of a special election to fill vacancies, at least  
18 ~~twenty-three~~ *thirty* days before the day of election.

1 SEC. 76. Section forty-four point eleven (44.11), Code 1973, is  
2 amended to read as follows:

- 3 **44.11 Vacancies filled.** If a candidate named under this chapter  
4 declines a nomination, or dies before election day, or should any cer-  
5 tificate of nomination be held insufficient or inoperative by the officer  
6 with whom it is required to be filed, or in case any objection made to  
7 any certificate of nomination, or to the eligibility of any candidate  
8 therein named, is sustained by the board appointed to determine such  
9 questions, the vacancy or vacancies thus occasioned may be filled by  
10 the convention, or caucus, or in such manner as such convention or  
11 caucus has previously provided. *The vacancy or vacancies shall be*  
12 *filled not less than sixty days prior to the election in the case of nomi-*  
13 *nations required to be filed with the state commissioner, not less than*  
14 *fifty days prior to the election in the case of nominations required to*  
15 *be filed with the commissioner, and not less than thirty-five days*  
16 *prior to the election in the case of nominations required to be filed in*  
17 *the office of the city clerk.*

1 SEC. 77. Section forty-four point fourteen (44.14), Code 1973, is  
2 amended to read as follows:

- 3 **44.14 Filing of certificates.** Said certificates of nominations shall  
4 be filed as follows:  
5 1. For state, congressional, and legislative offices, with the ~~secre-~~  
6 ~~tary of state~~ *commissioner*, not more than eighty-five nor less than  
7 ~~sixty-five~~ *sixty-seven* days before the general election, and such cer-  
8 tificates for all other offices, except for cities ~~and towns~~, shall be filed  
9 with the ~~county auditor~~ *commissioner* not more than seventy-five nor  
10 less than fifty-five days before the general election.  
11 2. For municipal office, with the city ~~or town~~ clerk ~~at least four~~  
12 ~~weeks~~ *not more than sixty-five days nor less than forty days* prior to  
13 the municipal election.  
14 3. In case of special elections to fill vacancies for offices to be filled  
15 by the electors of a larger district than a county, with the ~~secre-~~  
16 ~~tary of state~~ *commissioner*, not less than fifteen days before the time of  
17 holding such special election.

18 4. In case of special elections to fill vacancies for offices to be filled  
19 by the voters of a county, with the ~~county auditor~~ *commissioner*, not  
20 less than twelve days before the time of holding such special election.

1 SEC. 78. Section forty-five point one (45.1), Code 1973, is  
2 amended to read as follows:

3 **45.1 Nominations by petition.** Nominations for candidates for  
4 state offices may be made by nomination papers signed by not less  
5 than one thousand ~~qualified voters~~ *eligible electors* of the state; for  
6 *candidates for offices filled by the voters of a county, district or other*  
7 *division, not less than a county,* by such ~~paper or~~ papers signed by  
8 ~~at least two percent of the qualified voters~~ *eligible electors* residing  
9 in the county, district or division; ~~as shown by equal in number to at~~  
10 ~~least two percent of the total vote of received by~~ all candidates for  
11 *president of the United States or governor, as the case may be,* at  
12 the last preceding general election in such county, district or division;  
13 and for township, city, ~~town~~ or ward, by such ~~paper or~~ papers signed  
14 by not less than twenty-five ~~qualified voters~~ *eligible electors*, residents  
15 of such township, city or ward.

1 SEC. 79. Section forty-five point three (45.3), Code 1973, is  
2 amended to read as follows:

3 **45.3 Preparation of petition.** Each petitioning voter shall add to  
4 his signature his ~~place of business, post office~~ *residence* address, and  
5 date of signing. Before filing said petition, there shall be endorsed  
6 thereon or attached thereto the affidavit of at least one of the signers  
7 of said petition, which affidavit or affidavits shall show:

8 1. The name and residence (including street and number, if any)  
9 of said nominee, and the office to which he is nominated.  
10 2. That each of said signers ~~are qualified voters~~ *is an eligible elector*  
11 *of the state, as defined by section thirty-nine point three (39.3) of the*  
12 *Code,* and entitled to vote for such nominee for such office.

13 3. That each of said petitioners voluntarily signed said petition.  
14 Such petition when so verified shall be known as a nomination  
15 paper.

1 SEC. 80. Section forty-six point one (46.1), Code 1973, is  
2 amended to read as follows:

3 **46.1 Appointment of state judicial nominating commissioners.**  
4 The governor shall appoint, subject to confirmation by the senate,  
5 one *eligible* elector of each congressional district to the state judicial  
6 nominating commission for a six-year term beginning July 1. The  
7 terms of no more than three nor less than two of such members  
8 shall expire within the same two-year period. The governor shall  
9 within thirty days following the organization of each regular session  
10 of the general assembly, appoint for a like term, with approval of  
11 the senate, a successor to the member of the commission from a con-  
12 gressional district whose term of office will expire June 30 following.

1 SEC. 81. Section forty-six point two (46.2), Code 1973, is  
2 amended to read as follows:

3 **46.2 Election of state judicial nominating commissioners.** The  
4 resident members of the bar of each congressional district shall elect  
5 one *eligible* elector of such district to the state judicial nominating  
6 commission for a six-year term beginning July 1. The terms of no

7 more than three nor less than two of such members shall expire  
8 within the same two-year period, the expiration dates being gov-  
9 erned by the expiration dates of the terms of the original appointive  
10 members. The members of the bar of the respective congressional  
11 districts shall in January, immediately preceding the expiration of  
12 the term of a member of the commission, elect a successor for a like  
13 term.

1 SEC. 82. Section forty-six point three (46.3), Code 1973, is  
2 amended to read as follows:

3 **46.3 Appointment of district judicial nominating commissioners.**  
4 In January 1972 the governor shall appoint five *eligible* electors of  
5 each judicial election district to the district judicial nominating com-  
6 mission for terms commencing February 1, 1972. He shall appoint  
7 two such commissioners to serve until January 31, 1974, two to serve  
8 until January 31, 1976, and one to serve until January 31, 1978. In  
9 the month of January when each of those terms expire and every six  
10 years thereafter the governor shall appoint district judicial nominat-  
11 ing commissioners for six-year terms.

1 SEC. 83. Section forty-six point four (46.4), Code 1973, is  
2 amended to read as follows:

3 **46.4 Election of district judicial nominating commissioners.** In  
4 January 1972 the resident members of the bar of each judicial elec-  
5 tion district shall elect five *eligible* electors of the district to the dis-  
6 trict judicial nominating commission for terms commencing Febru-  
7 ary 1, 1972. One of such commissioners shall serve until January 31,  
8 1974, two until January 31, 1976, and two until January 31, 1978,  
9 as determined by lot by such commissioners. In the month of Janu-  
10 ary when each of those terms expire and every six years thereafter  
11 such members of the bar of the respective judicial election districts  
12 shall elect nominating commissioners for six-year terms.

1 SEC. 84. Section forty-six point ten (46.10), Code 1973, is  
2 amended to read as follows:

3 **46.10 Nomination of elective nominating commissioners.** In order  
4 to have his name printed on the ballot for state or district judicial  
5 nominating commissioner, an *eligible* elector must file in the office of  
6 the clerk of the supreme court at least thirty days prior to expira-  
7 tion of the period within which the election must be held a nominat-  
8 ing petition signed by at least fifty resident members of the bar of  
9 the congressional district in case of a candidate for state judicial  
10 nominating commissioner, or at least ten resident members of the  
11 bar of the judicial district in case of a candidate for district judicial  
12 nominating commissioner. No member of the bar may sign more  
13 nominating petitions for state or district judicial nominating com-  
14 missioner than there are such commissioners to be elected.

15 Ballots for state and district judicial nominating commissioners  
16 shall contain blank lines equal to the number of such commissioners  
17 to be elected, where names may be written in.

1 SEC. 85. Section forty-six point eleven (46.11), Code 1973, is  
2 amended to read as follows:

3 **46.11 Certification of commissioners.** The governor and the clerk  
4 of the supreme court respectively shall promptly certify the names

5 and addresses of appointive and elective judicial nominating commis-  
6 sioners to the ~~secretary~~ of state *commissioner of elections* and the  
7 chairman of the respective nominating commissions.

1 SEC. 86. Section forty-six point twelve (46.12), Code 1973, is  
2 amended to read as follows:

3 **46.12 Notification of vacancy and resignation.** When a vacancy  
4 occurs or will occur within sixty days in the supreme court or district  
5 court, the ~~secretary~~ of state *commissioner of elections* shall forthwith  
6 so notify the chairman of the proper judicial nominating commission.  
7 The chairman shall call a meeting of the commission within ten days  
8 after such notice; if he fails to do so, the chief justice shall call such  
9 meeting.

10 When a judge of the supreme court or district court resigns, he  
11 shall submit a copy of his resignation to the ~~secretary~~ of state *com-*  
12 *missioner of elections* at the time he submits his resignation to the  
13 governor; and when a judge of the supreme court or district court  
14 dies, the clerk of district court of the county of his residence shall in  
15 writing forthwith notify the ~~secretary~~ of state *commissioner of elec-*  
16 *tions* of such fact.

1 SEC. 87. Section forty-six point nineteen (46.19), Code 1973, is  
2 amended to read as follows:

3 **46.19 ~~Pollbooks~~ Election registers.** The ~~pollbooks~~ *election regis-*  
4 *ters* used for the general election shall also constitute the ~~pollbooks~~  
5 *election registers* for the judicial election.

1 SEC. 88. Section forty-six point twenty (46.20), Code 1973, is  
2 amended to read as follows:

3 **46.20 Declaration of candidacy.** At least ninety days prior to  
4 the judicial election preceding expiration of his initial or regular  
5 term of office, a judge of the supreme court or district court including  
6 district associate judges may file a declaration of candidacy with the  
7 ~~secretary~~ of state *commissioner of elections*, whereupon such judge  
8 shall stand for retention or rejection at that election. If a judge fails  
9 to file such declaration, his office shall be vacant at the end of his  
10 term. District associate judges filing such a declaration shall stand  
11 for retention in the county of their residence.

1 SEC. 89. Section forty-six point twenty-one (46.21), unnumbered  
2 paragraph one (1), Code 1973, is amended to read as follows:

3 At least fifty-five days prior to each judicial election, the ~~secretary~~  
4 of state *commissioner of elections* shall certify to the county ~~auditor~~  
5 *commissioner of elections* of each county a list of the judges of the  
6 supreme court and district court including district associate judges  
7 to be voted on in such county at that election. The ~~auditor~~ *county*  
8 *commissioner of elections* shall place the names upon the ballot in the  
9 order in which they appear in the certificate, unless only one county  
10 is voting thereon. The ~~secretary~~ of state *commissioner of elections*  
11 shall rotate the names in the certificate by county, or the ~~auditor~~  
12 *county commissioner of elections* shall rotate them upon the ballot by  
13 precinct if only one county is voting thereon. The names of all judges  
14 to be voted on shall be placed upon one ballot, which shall be in sub-  
15 stantially the following form:

1 SEC. 90. Section forty-six point twenty-three (46.23), Code 1973,  
2 is amended to read as follows:

3 **46.23 General election and absent voter laws.** So far as appli-  
4 cable general election and absent voter laws shall apply to judicial  
5 elections. An application for an absent voter ballot for a general  
6 election shall also constitute an application for an absent voter ballot  
7 for a judicial election to be held at the same time, and the ballots  
8 shall be mailed or delivered to the voter together. The sealed enve-  
9 lope transmitted by the absent voter to the ~~auditer~~ *county commis-*  
10 *sioner of elections* containing the absent voter general election ballot  
11 may also contain the judicial election ballot.

1 SEC. 91. Section forty-six point twenty-four (46.24), Code 1973,  
2 is amended to read as follows:

3 **46.24 Results of election.** A judge of the supreme court or dis-  
4 trict court including district associate judge must receive more affirm-  
5 ative than negative votes to be retained in office. When the poll is  
6 closed, the election judges shall publicly canvass the vote forthwith.  
7 The board of supervisors shall canvass the returns at its meeting on  
8 Monday after the election, and shall promptly certify the number of  
9 affirmative and negative votes on each judge to the ~~secretary~~ *of state*  
10 *commissioner of elections.*

11 The state board of canvassers shall, at the time of canvassing the  
12 vote cast at a general election, open and canvass all of the returns  
13 for the judicial election. Each judge of the supreme court or district  
14 court including district associate judge who has received more affirm-  
15 ative than negative votes shall receive from the state board of can-  
16 vassers an appropriate certificate so stating.

1 SEC. 92. Chapter forty-six (46), Code 1973, is amended by add-  
2 ing the following new section:

3 **NEW SECTION. Eligible elector defined.** As used in this chapter,  
4 the term "eligible elector" has the meaning assigned that term by  
5 section thirty-nine point three (39.3) of the Code.

1 SEC. 93. Section forty-seven point two (47.2), Code 1973, is  
2 amended to read as follows:

3 **47.2 County commissioner of elections.** The county auditor of  
4 each county is designated as the county commissioner of elections in  
5 each county. The county commissioner of elections shall conduct  
6 voter registration pursuant to chapter 48 and conduct all elections  
7 within the county.

8 ~~If a~~ *When an election is to be held as required by law or is called*  
9 *by a political subdivision of the state and the political subdivision is*  
10 *located in more than one county, the county commissioner of elections*  
11 *of the county having the greatest taxable base within the political*  
12 *subdivision shall conduct the that election. The county commissioners*  
13 *of elections of the other counties in which the political subdivision is*  
14 *located shall co-operate with the county commissioner of elections*  
15 *who is conducting the election.*

16 *The governing body of any political subdivision which has decided*  
17 *to call an election under any law permitting that governing body dis-*  
18 *cretion to fix the date of the election shall, before finally determining*  
19 *the date for the election, consult with the commissioner who will be*  
20 *responsible for conducting the election regarding the date on which*

21 *the election may most conveniently be held, within the limitations*  
 22 *imposed by the law authorizing the election.*

23 *The commissioner may designate as a deputy county commissioner*  
 24 *of elections any officer of a political subdivision who is required by*  
 25 *law to accept nomination papers filed by candidates for office in that*  
 26 *political subdivision, and when so designated that person shall assist*  
 27 *the commissioner in administering elections conducted by the com-*  
 28 *missioner for that subdivision. The designation of a person as a*  
 29 *deputy commissioner of elections pursuant to this section, once made,*  
 30 *shall continue in effect until the designation is withdrawn by the*  
 31 *commissioner.*

32 *The commissioner shall appoint the city clerk to conduct municipal*  
 33 *elections in cities acting under a special charter in 1973 and having a*  
 34 *population of over fifty thousand.*

1 SEC. 94. Section forty-seven point three (47.3), Code 1973, is  
 2 amended to read as follows:

3 **47.3 Election expenses.** The costs of conducting a special election  
 4 *called by the governor, general election, and the primary election held*  
 5 *prior to the general election shall be paid by the county.*

6 *The cost of conducting other elections shall be paid by the politi-*  
 7 *cal subdivision for which the election is held. The costs shall in-*  
 8 *clude, but not be limited to, the printing of the ballots and the elec-*  
 9 *tion register, publication of notices, printing of declaration of eligi-*  
 10 *bility affidavits, compensation for precinct election boards, canvass*  
 11 *materials, and the preparation and installation of voting machines.*  
 12 *The county commissioner of elections shall certify to the county*  
 13 *board of supervisors a statement of cost for an election. The cost*  
 14 *shall be assessed by the county board of supervisors against the politi-*  
 15 *cal subdivision for which the election was held.*

16 *Cost of registration and administrative and clerical costs shall not*  
 17 *be charged as a part of the election costs.*

18 *If voting machines are used in any election, the county commis-*  
 19 *sioner of elections shall not charge any political subdivision of the*  
 20 *state a rental fee for the use of any voting machines.*

1 SEC. 95. Section forty-seven point four (47.4), Code 1973, is  
 2 amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **47.4 Voter qualifications.**

5 1. Every citizen of the United States of the age of eighteen years  
 6 or older who is a resident of this state shall be an eligible elector.

7 2. Every qualified elector of the state shall have only one voting  
 8 residence.

9 3. Every citizen of the United States of the age of eighteen or  
 10 older is presumed to have a residence some place in the United States  
 11 for the purpose of voting for president and vice president of the  
 12 United States.

13 4. A person's residence, for voting purposes only, is the place  
 14 which he declares is his home with the intent to remain there per-  
 15 manently or for a definite or indefinite or undeterminable length of  
 16 time.

17 5. Every eligible elector shall be registered pursuant to the provi-

18 sions of chapter forty-eight (48) of the Code to qualify to vote in  
19 any election.

20 If a person who meets the above requirements moves to a new resi-  
21 dence, within or without the state, and does not meet the voter  
22 requirements at his new residence, he may vote at his former pre-  
23 cinct in Iowa until he meets the voter requirements of his new resi-  
24 dence. However, a person who has moved to a new residence and  
25 fails to register to vote at his new residence after becoming eligible  
26 to do so shall not thereafter be entitled to vote at his former pre-  
27 cinct in Iowa.

1 SEC. 96. Chapter forty-seven (47), Code 1973, is amended by  
2 adding the following new section:

3 **NEW SECTION. Purchasing by competitive bidding.** The commis-  
4 sioner shall take bids for any goods and services which will be per-  
5 formed or provided by persons who are not employees of the commis-  
6 sioner and where the costs of such services exceed five thousand  
7 dollars per contract. No bids shall be required for legal services.  
8 The commissioner shall publish notice to bidders, including specifi-  
9 cations regarding the goods or services to be purchased or a descrip-  
10 tion of the nature and object of the services to be retained, in a news-  
11 paper of general circulation in the county not less than fifteen days  
12 before the final date for submission of bids. The commissioner shall  
13 also file a copy of the bid specifications in the office of the state com-  
14 missioner for a period of not less than twenty days prior to the date  
15 the bid is let. When competitive bidding procedures are used, the  
16 purchase of goods or services shall be made from the lowest respon-  
17 sible bidder which meets the specifications or description of the serv-  
18 ices needed or the commissioner may reject all bids and readvertise.  
19 In determining the lowest responsible bidder, various factors may be  
20 considered, including but not limited to the past performance of the  
21 bidder relative to quality of product or service, the past experience  
22 of the purchaser in relation to the product or service, the relative  
23 quality of products or services, the proposed terms of delivery and  
24 the best interest of the county.

25 A county shall not enter into an intergovernmental agreement  
26 with any other political subdivision of the state for acquisition of  
27 goods or performance of services until an audit has been conducted  
28 by the auditor of state or an independent certified public accountant  
29 not in the regular employ of the counties executing an agreement  
30 which sets forth the costs of each county for providing goods and  
31 services.

32 Any election or registration data or records which may be in the  
33 possession of a contractor shall remain the property of the commis-  
34 sioner.

1 SEC. 97. Section forty-eight point one (48.1), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **48.1 Commissioner of registration.** The commissioner of elections  
5 of each county is designated the commissioner of registration for that  
6 county. He may designate the city clerk of any city in the county  
7 as a deputy commissioner of registration who shall be responsible

8 for voter registration, subject to the supervision of the county com-  
9 missioner.

1 SEC. 98. Section forty-eight point two (48.2), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 48.2 **Who may register.** Any person who is an eligible elector  
5 may register to vote with the commissioner of registration or a dep-  
6 uty commissioner of registration in the county of his residence. Any  
7 person who is an eligible elector in all respects except that he has not  
8 attained the age of eighteen may, at any time during the six months  
9 next preceding his eighteenth birthday, register to vote in the county  
10 of his residence. When a person less than eighteen years of age  
11 registers, the commissioner shall affix to the receipt of registration,  
12 issued as provided by section forty-eight point six (48.6) of the  
13 Code, a date which shall be the registrant's eighteenth birthday and  
14 the receipt shall state on its face that the person is registered and  
15 qualifies to vote in any election held on or after the date affixed to  
16 the registration receipt.

1 SEC. 99. Section forty-eight point four (48.4), Code 1973, is  
2 amended to read as follows:

3 48.4 **Commissioner of registration—duties.** The said commis-  
4 sioner of registration shall have complete charge of the registration  
5 of all qualified voters within ~~such city or~~ the county. He shall appoint  
6 such deputies and clerks as may be necessary, from the two political  
7 parties receiving the highest vote at the last general election. The  
8 number of such deputies and clerks for all precinct registration  
9 places, and the central registration office, shall be equally divided  
10 between the members of the two said political parties. These appoint-  
11 ments shall be subject to the approval of the ~~city council or~~ county  
12 board of supervisors as ~~the case may be~~. The commissioner of regis-  
13 tration shall provide such printed forms and blanks as may be neces-  
14 sary, together with such other supplies and equipment as are  
15 necessary to properly carry out the provisions of this chapter. Regis-  
16 tration places shall be established throughout the cities and counties.

1 SEC. 100. Section forty-eight point five (48.5), Code 1973, is  
2 amended to read as follows:

3 48.5 **Registration records.** The county commissioner of registra-  
4 tion shall safely maintain at his office or other designated locations  
5 the original registration records of all qualified electors in his county.  
6 The original registration records shall not be removed from his office  
7 or other designated locations except upon court order. One copy of  
8 the original registration records which includes the elector's name,  
9 address, precinct, and party affiliation shall be prepared before the  
10 primary election *and on August first* preceding the general election,  
11 upon request and without charge, for the county chairman of each  
12 political party. ~~A list of electors who have registered between the~~  
13 ~~primary and the general election shall be prepared, upon demand and~~  
14 ~~without charge on August 1 prior to the general election and at least~~  
15 ~~every two weeks thereafter until the close of registration, for the~~  
16 ~~county chairman of each political party polling in excess of two per-~~  
17 ~~cent of the popular vote in the county in the last preceding general~~

18 election. If the county commissioner of registration maintains a  
 19 computerized list of qualified electors by precinct, he shall, upon  
 20 demand and without charge, on August 1 prior to the general elec-  
 21 tion, provide the county chairman for each political party, a complete  
 22 list of all qualified electors, by precinct, within the county. The county  
 23 commissioner of registration, if computerized lists of qualified elec-  
 24 ters are maintained shall, each week, upon demand and without  
 25 charge, from August 1 first until October 1 first, prior to the general  
 26 election and each day, or on each day thereafter that the computer-  
 27 ized list is updated, until the close of registration, provide the county  
 28 chairman of each political party a list of electors who have registered  
 29 since the last such list was provided. Additional copies may be pro-  
 30 vided to political parties at cost. Duplicate registration records shall  
 31 be open to inspection by the public at reasonable times.

32 Such lists shall not be used for any commercial purpose, advertis-  
 33 ing, or solicitation, of any kind or nature, other than to request such  
 34 person's vote at, a primary or general election, or any other bona fide  
 35 political purpose. The ~~commissioner~~ commissioner shall keep a list of  
 36 the name, address, telephone number, and social security number of  
 37 each person who copies or duplicates such lists. Any person, firm, or  
 38 corporation that uses such lists in violation of this section shall, upon  
 39 conviction, be imprisoned in the county jail, not to exceed one year,  
 40 or be fined not to exceed one thousand dollars, or by both such fine  
 41 and imprisonment, for each violation.

1 SEC. 101. Section forty-eight point six (48.6), Code 1973, is  
 2 amended to read as follows:

3 48.6 Form of records. ~~The form of the registration records shall~~  
 4 be substantially as set forth in this section. ~~The commissioner of~~  
 5 registration shall provide suitable forms for the purpose of registra-  
 6 tion. The registration forms shall be large enough to contain the  
 7 necessary information required in legible writing. The registration  
 8 form shall require the following information to be provided:

9 1. The name of the applicant, ~~giving surname and Christian names~~  
 10 in full. Whenever any change of name shall occur due to marriage,  
 11 or divorce or dissolution of marriage, or otherwise, the registrant  
 12 shall not be allowed to vote until the registrant has reregistered, and  
 13 after such reregistration the previous registration record shall be  
 14 removed from the files. *Where the only change in the previous regis-*  
 15 *tration information is a change of surname by reason of marriage,*  
 16 *divorce or dissolution of marriage, or other legal procedure, the regis-*  
 17 *trant may effect the reregistration required by this subsection by*  
 18 *mailing the county commissioner a written notice stating in full both*  
 19 *the name under which the registrant was previously registered and*  
 20 *the name under which the registrant is now to be registered, and the*  
 21 *registrant's social security number, if available.*

22 2. Residence, giving name and number of the street, avenue, or  
 23 other location of the dwelling, and such additional clear and definite  
 24 description as may be necessary to give the exact residence of the  
 25 applicant. Post office box numbers shall not be used unless no other  
 26 method of identifying the residence exists for the community.

27 3. Date of birth.

28 4. Sex.

29 5. ~~Term of residence in the United States, in the state, in the~~  
30 ~~county~~ *Date of registration.*

31 6. Ward, precinct, school district, and such other districts in which  
32 the registrant resides which are empowered to call special elections.

33 7. ~~Place of birth. If the registrant is not native born he shall give~~  
34 ~~the date of his naturalization or of the parent through whom he~~  
35 ~~claims naturalization, and the place of court, and any other informa-~~  
36 ~~tion necessary to establish citizenship.~~

37 8. ~~7.~~ Last previous address if the registrant has resided at his  
38 present address for less than five years.

39 9. ~~8.~~ Party affiliation. No party affiliation need be stated if the  
40 registrant declines to make such statement.

41 ~~10.~~ 9. An affidavit in such form as prescribed by the state com-  
42 missioner of elections which states that the registrant will be a quali-  
43 fied elector on the day of the next known election.

44 ~~11.~~ 10. An expressed authorization to cancel all other registrations  
45 to vote.

46 ~~12.~~ 11. The social security number of the registrant, if available.

47 ~~13.~~ 12. The signature of registrant.

48 *A receipt of registration shall be given to each registrant. If a*  
49 *person registers to vote while registration is closed preceding any*  
50 *election, the county commissioner of registration shall affix a date to*  
51 *the receipt which date shall be the day after the election for which*  
52 *registration is closed and the receipt shall state on its face that the*  
53 *person is registered and qualifies to vote in any election held on or*  
54 *after the date affixed to the registration receipt.*

1 SEC. 102. Section forty-eight point seven (48.7), Code 1973, is  
2 amended to read as follows:

3 48.7 **Change of address notice.** Change of address notice shall be  
4 provided for the use of any registered voter moving to a new loca-  
5 tion *within the county*. Change of address notice shall provide space  
6 for the previous address of the voter, the address of the exact loca-  
7 tion to which he is moving, and his signature. Any written notifica-  
8 tion from the voter containing the required information and signa-  
9 ture shall be sufficient to validate his registration. If the commis-  
10 sioner of registration receives written notification of change of  
11 address from any registered voter *in the county* and the notification  
12 does not contain the required information, the commissioner shall  
13 immediately mail to the voter at his last known address notice that  
14 his registration is defective. Upon receipt of any valid change of  
15 address notice received ~~not later than ten days on or before the last~~  
16 ~~day of registration~~ before any election, the commissioner of registra-  
17 tion shall make entry of any change on the original and duplicate  
18 registration lists and the voter shall be qualified to vote in the new  
19 election precinct. *If an elector moves before the close of registration*  
20 *and does not record a change of address with the county commis-*  
21 *sioner of registration, he shall not be qualified to vote.*

1 SEC. 103. Section forty-eight point ten (48.10), Code 1973, is  
2 amended to read as follows:

3 48.10 **Deceased persons—record.** It is the mandatory duty of  
4 each local registrar and deputy registrar of vital statistics to provide  
5 the commissioner of registration of his ~~city or county, as the case~~

6 ~~may be~~, with a certified list of the names and last known addresses,  
 7 and social security numbers and dates of birth, if known, of all per-  
 8 sons eighteen years of age or over who have died in his county.  
 9 Such lists shall be delivered by the tenth day of each month. The  
 10 commissioner of registration, shall, upon receipt of such report,  
 11 examine the original registration list and shall remove ~~therefrom, to~~  
 12 ~~an inactive file,~~ the registration records of all registered persons  
 13 certified by the local registrar or deputy registrar of vital statistics  
 14 as deceased.

1 SEC. 104. Section forty-eight point eleven (48.11), Code 1973, is  
 2 amended to read as follows:

3 **48.11 Registration time limits.** The county commissioner of reg-  
 4 istration shall register, on forms prescribed by the state commis-  
 5 sioner of elections, electors for elections in a precinct until the close  
 6 of registration in the precinct. An elector may register during the  
 7 time registration is closed in the elector's precinct but the registra-  
 8 tion shall not become effective until registration opens again in his  
 9 precinct.

10 Registration shall close in a precinct *at five o'clock p.m.*, ten days  
 11 before an election.

1 SEC. 105. Section forty-eight point seventeen (48.17), Code 1973,  
 2 is amended to read as follows:

3 **48.17 Qualification of officers.** Before entering upon his duties,  
 4 each officer or clerk in whatever capacity shall subscribe to an oath  
 5 in such form as provided by the ~~attorney for the city~~ *state commis-*  
 6 *sioner.*

1 SEC. 106. Section forty-eight point twenty-seven (48.27), Code  
 2 1973, is amended by striking the section and inserting in lieu thereof  
 3 the following:

4 **48.27 Mobile deputy registrars—qualifications—duties.**

5 1. Mobile deputy registrars shall be appointed by the county com-  
 6 missioner of registration not more than one hundred twenty days  
 7 prior to any primary, general, or partisan city election, or any elec-  
 8 tion held pursuant to section sixty-nine point fourteen (69.14) of  
 9 the Code, in accordance with the following guidelines:

10 a. Mobile deputy registrars shall be selected from lists of nominees  
 11 submitted to the county commissioner of registration by the county  
 12 chairman of the two political parties receiving the highest number  
 13 of votes in that county in the last preceding general election.

14 b. Each political party shall submit a list of nominees, not later  
 15 than sixty days prior to the election, and may request not more than  
 16 one person for each one thousand six hundred (1,600) residents or  
 17 major fraction thereof in the county to be appointed as mobile dep-  
 18 uty registrars.

19 c. The county commissioner of registration shall make the re-  
 20 quested number of appointments from the lists submitted by the  
 21 county chairmen not more than thirty days from the date the lists  
 22 of nominees were submitted. If persons listed by the county chair-  
 23 man cannot serve or are disqualified, the county chairman may add  
 24 additional names to his list. The additional persons shall be ap-

25 pointed within five days if the next election is to be held within  
26 ninety-five days.

27 d. The appointment of mobile deputy registrars from one political  
28 party shall not be contingent upon the other political party submit-  
29 ting a list of nominees.

30 e. The fact that any political party does not submit a list includ-  
31 ing the full number of names which may be appointed shall not pre-  
32 clude the appointment of the full number of persons to which any  
33 other political party is entitled.

34 f. The term of office of mobile deputy registrars appointed under  
35 the provisions of this subsection shall expire at five o'clock p.m. on  
36 the day registration closes prior to the general election or at the  
37 time the mobile deputy registrar returns his supplies to the county  
38 commissioner of registration, whichever occurs first.

39 g. When an election has been called pursuant to section sixty-nine  
40 point fourteen (69.14) of the Code, mobile deputy registrars shall  
41 be appointed within three days after submission of a list of nomi-  
42 nees by the county chairman of either of the two political parties  
43 whose candidates for president of the United States or for governor,  
44 as the case may be, received the largest and next largest number of  
45 votes in the county at the last general election.

46 2. There is established in each county a permanent board of mobile  
47 deputy registrars who shall be selected from lists of nominees sub-  
48 mitted to the county commissioner of registration by the county  
49 chairman of the two political parties polling the highest number of  
50 votes in the county in the last preceding general election. The chair-  
51 men of the two political parties shall submit a list of nominees to  
52 serve as registrars on the permanent mobile deputy registrar board  
53 not later than January fifteenth of each year. The county commis-  
54 sioner of registration shall, not later than January thirty-first of  
55 each year, appoint one person from each political party for each ten  
56 thousand residents or major fraction thereof in the county to serve  
57 as mobile deputy registrars on the permanent mobile deputy reg-  
58 istrar board. The county commissioner of registration shall appoint  
59 at least two mobile deputy registrars to serve on the board in each  
60 county from each political party. If a county chairman of a politi-  
61 cal party does not submit a list of nominees for the permanent mobile  
62 deputy registrar board, the county commissioner of registration  
63 shall appoint persons known to be members of that political party  
64 to serve as permanent mobile deputy registrars. The term of office  
65 of permanent mobile deputy registrars shall commence on the date  
66 of appointment and shall continue until December thirty-first of that  
67 year.

68 3. Mobile deputy registrars shall meet the following qualifications:

69 a. Mobile deputy registrars shall reside in the county of the county  
70 commissioner of registration making the appointment.

71 b. Mobile deputy registrars shall be persons of known good char-  
72 acter who are at least eighteen years of age and who are familiar  
73 with the registration laws of the state. Mobile deputy registrars  
74 shall be persons who have clear handwriting and who exhibit to  
75 the commissioner the capability for making records in a neat and  
76 accurate manner. The commissioner may require a handwriting  
77 sample to insure that this requirement is fulfilled.

78 c. Mobile deputy registrars shall take a training course prescribed  
79 by the commissioner and upon completion thereof shall take an oath  
80 of office administered by the commissioner.

81 d. No candidate for an office to be filled by the voters at any elec-  
82 tion shall serve as a mobile deputy registrar.

83 4. Mobile deputy registrars shall perform their duties according  
84 to the following guidelines:

85 a. They shall secure registration of eligible voters anywhere in  
86 the jurisdiction of the county commissioner of registration. It shall  
87 be unlawful for any mobile deputy registrar to refuse to register any  
88 eligible voter and any unreasonable refusal shall be a misdemeanor.

89 b. Mobile deputy registrars shall register electors on registration  
90 forms provided by the county commissioner of registration. These  
91 forms shall be numbered and accounted for by the mobile deputy  
92 registrar to the county commissioner of registration. There shall  
93 be provided on said form a space for the signature of the mobile  
94 deputy registrar who shall sign same and identify himself in the  
95 presence of the voter with appropriate identity papers or badge pro-  
96 vided by the county commissioner of registration. The mobile dep-  
97 uty registrar shall give the voter a receipt signed by the mobile  
98 deputy registrar stating that such person is duly registered.

99 c. Mobile deputy registrars shall serve without compensation  
100 from any source.

101 d. Mobile deputy registrars shall return all completed registration  
102 records at least weekly to the county commissioner of registration  
103 except that completed registration records shall be turned in at least  
104 every two working days during the last ten days of registration. All  
105 completed and unused material must be turned in no later than six  
106 o'clock on the day registration closes for the election. Failure to  
107 comply with this provision shall be a misdemeanor.

108 e. Mobile deputy registrars shall not influence the elector in des-  
109 ignating party affiliation during the registration process.

110 f. It shall be the duty of the state commissioner to designate a  
111 suitable voter registration form for the purposes of this section.

112 5. The county commissioner of registration may terminate the  
113 appointment of a mobile deputy registrar who is not properly regis-  
114 tering electors, and shall immediately terminate the appointment  
115 upon the written request of the county chairman of the party from  
116 whose list of nominees the mobile deputy registrar was selected.  
117 When an appointment is terminated the county commissioner of reg-  
118 istration shall promptly notify the county chairman of the political  
119 party which nominated the mobile deputy registrar whose appoint-  
120 ment has been terminated, and shall appoint another person within  
121 five days from a list of substitute nominees provided by that county  
122 chairman. A mobile deputy registrar whose appointment is termi-  
123 nated shall immediately return all his supplies to the county com-  
124 missioner of registration. If a mobile deputy registrar's appoint-  
125 ment is terminated within thirty days of an election, other than by  
126 request of the county chairman of the party from whose list of nomi-  
127 nees the mobile deputy registrar was appointed, a replacement shall  
128 be appointed within twenty-four hours from a list of substitute nomi-  
129 nees provided by the appropriate county chairman.

1 SEC. 107. Section forty-eight point thirty-one (48.31), unnum-  
2 bered paragraph two (2), Code 1973, is amended to read as follows:

3 Whenever a registration is canceled, notice of the cancellation shall  
4 be sent to the registrant at his last known address shown upon the  
5 registration records. *Such notice shall be sent first class mail and*  
6 *bear the words "Please Forward"*. However, notice is not necessary  
7 when the cancellation is due to death or if an authorization for the  
8 removal of his registration is received as provided in this chapter.

1 SEC. 108. Section forty-nine point one (49.1), Code 1973, is  
2 amended to read as follows:

3 **49.1 Elections included.** The provisions of this chapter shall  
4 apply to all elections ~~known to the laws of the state, except school~~  
5 *those special elections which by the terms of the statutes authorizing*  
6 *them are exempt from the provisions of this chapter.*

1 SEC. 109. Section forty-nine point three (49.3), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **49.3 Election precincts.** Election precincts shall be drawn by the  
5 county board of supervisors in all unincorporated portions of each  
6 county, and by the city council of each city in which it is necessary  
7 or deemed advisable to establish more than one precinct. Precincts  
8 established as provided by this chapter shall be used for all elections,  
9 except where temporary merger of established precincts is specifi-  
10 cally permitted by law for certain elections, and no political subdivi-  
11 sion shall concurrently maintain different sets of precincts for use  
12 in different types of elections. Election precincts shall be drawn so  
13 that:

14 1. No precinct shall have a total population in excess of three  
15 thousand five hundred, as shown by the most recent federal decennial  
16 census.

17 2. Each precinct is contained wholly within an existing legislative  
18 district, except:

19 a. When adherence to this requirement would force creation of a  
20 precinct which includes the places of residence of fewer than fifty  
21 qualified electors.

22 b. When the general assembly by resolution designates a period  
23 after the federal decennial census is taken and before the next suc-  
24 ceeding reapportionment of legislative districts required by Article  
25 three (III), section thirty-five (35), Constitution of the state of Iowa  
26 as amended in 1968, during which precincts may be drawn without  
27 regard to the boundaries of existing legislative districts.

1 SEC. 110. Section forty-nine point four (49.4), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **49.4 Precincts drawn by county board.** In the absence of con-  
5 trary action by the board of supervisors, each civil township which  
6 does not include any part of a city of over two thousand popula-  
7 tion, and the portion of each civil township containing any such city  
8 which lies outside the corporate limits of that city or those cities,  
9 shall constitute an election precinct.

10 1. Where a civil township, or the portion of a civil township out-

11 side the corporate limits of any city of over two thousand pop-  
12 ulation contained therein, is divided into two or more election pre-  
13 cincts, the precincts shall be so drawn that their total populations  
14 shall be reasonably equal on the basis of data available from the most  
15 recent federal decennial census.

16 2. Counties using alternative supervisor representation plans two  
17 or three, as described in section three hundred thirty-one point eight  
18 (331.8) of the Code, shall be apportioned into single-member super-  
19 visor districts on the basis of population. The boundaries of super-  
20 visor districts shall follow the boundaries of election precincts.

21 3. Notwithstanding any other provision of this chapter, the Indian  
22 Settlement lying in Tama, Toledo and Indian Village townships of  
23 Tama County shall be an election precinct, and the polling place of  
24 that precinct shall be located in the structure commonly called the  
25 Indian School located in section 19, township 83 north, range 15  
26 west, or in such structure as designated by the election commissioner  
27 of Tama County.

1 SEC. 111. Section forty-nine point five (49.5), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the fol-  
3 lowing:

4 49.5 City precincts. The council of a city where establishment of  
5 more than one precinct is necessary or deemed advisable shall at the  
6 time required by law, by ordinance definitely fixing the boundaries,  
7 divide the city into such number of election precincts as will best  
8 serve the convenience of the voters. As used in this section, the  
9 term "the convenience of the voters" refers to, but is not necessarily  
10 limited to, the use of precinct boundaries which can be readily de-  
11 scribed to and identified by voters and ease of access by voters to  
12 their respective precinct polling places by reasonably direct routes  
13 of travel. Before final adoption of any change in election precinct  
14 boundaries pursuant to this section or section forty-nine point six  
15 (49.6) of the Code, the council shall permit the commissioner not  
16 more than ten days time to offer comments on the proposed repre-  
17 cincting.

18 1. Election precincts within the same city shall be so drawn that  
19 their total populations shall be reasonably equal on the basis of the  
20 most recent federal decennial census, but equality of population  
21 among precincts shall not take precedence over consideration of the  
22 convenience of voters as defined in this section. The boundaries of  
23 each precinct shall follow the boundaries of areas for which official  
24 population figures are available from the most recent federal decen-  
25 nial census, however in cities for which block-by-block data from that  
26 census are not available and where all or some of the areas for which  
27 data from that census are available are not suitable for forming pre-  
28 cincts, the city council may use other reliable and documented indica-  
29 tors of population distribution in forming precincts in the city  
30 or any portion of it.

31 2. Each city of over twenty-five thousand population shall enter  
32 into the necessary arrangements with the United States bureau of the  
33 census or its successor agency for the next succeeding federal decen-  
34 nial census to be taken in the city on a block-by-block basis. Any  
35 charge therefor imposed on the city by the federal government,  
36 which the city would not otherwise be liable to pay, may be reported

37 to the state commissioner, who shall forward the report to the next  
 38 regular session of the general assembly. The city shall preserve data  
 39 on the composition and population of each area within its boundaries  
 40 defined as a city block for the most recent federal decennial census.  
 41 Precincts in the city shall to the greatest extent practicable follow  
 42 the boundaries of such areas.

43 3. Cities using any form of city government authorized by law in  
 44 which some or all members of the city council are elected from wards  
 45 shall be apportioned into wards on the basis of population. The  
 46 ward boundaries shall follow the boundaries of election precincts.

1 SEC. 112. Section forty-nine point six (49.6), Code 1973, is  
 2 amended by striking the section and inserting in lieu thereof the fol-  
 3 lowing:

4 **49.6 Power to combine township and city precincts.** Election pre-  
 5 cincts composed partially of unincorporated territory and partially  
 6 of all or any part of a city may be established within a single county  
 7 in any manner which is not contrary to section forty-nine point three  
 8 (49.3) of the Code and is mutually satisfactory to the board of super-  
 9 visors and the city council of the city involved.

1 SEC. 113. Section forty-nine point seven (49.7), Code 1973, is  
 2 amended by striking the section and inserting in lieu thereof the fol-  
 3 lowing:

4 **49.7 When reprecincting required.** Each county board of super-  
 5 visors and city council shall make any changes in precinct boundaries  
 6 necessary to comply with sections forty-nine point three (49.3),  
 7 forty-nine point four (49.4) and forty-nine point five (49.5) of the  
 8 Code not earlier than July first nor later than December thirty-first  
 9 of the year immediately following each year in which the federal  
 10 decennial census is taken, unless the general assembly by joint reso-  
 11 lution establishes different dates for compliance with these sections.  
 12 Any or all of the publications required by section forty-nine point  
 13 eleven (49.11) of the Code may be made after December thirty-first  
 14 if necessary. Each county board and city council shall notify the  
 15 state commissioner and the commissioner whenever the boundaries  
 16 of election precincts are changed and shall provide a map delineating  
 17 the new boundary lines. Upon failure of any county board or city  
 18 council to make the required changes by the dates established by or  
 19 pursuant to this section, the state commissioner shall make or cause  
 20 to be made the necessary changes as soon as possible, and shall assess  
 21 to the county or city, as the case may be, the expenses incurred in so  
 22 doing. The state commissioner may request the services of person-  
 23 nel of and materials available to the legislative service bureau to  
 24 assist him in making any required changes in election precinct bound-  
 25 aries which become his responsibility.

1 SEC. 114. Section forty-nine point eight (49.8), Code 1973, is  
 2 amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **49.8 Changes in precincts.** After any required changes in pre-  
 5 cinct boundaries have been made following each federal decennial  
 6 census, at the time established by or pursuant to section forty-nine  
 7 point seven (49.7) of the Code, the county board or city council shall

8 make no further changes in precinct boundaries until after the next  
9 federal decennial census, except in the following circumstances:

10 1. When deemed necessary by the board of supervisors of any  
11 county because of a change in the location of the boundaries, dissolu-  
12 tion or establishment of any civil township, the boundaries of pre-  
13 cincts actually affected may be changed as necessary to conform to  
14 the new township boundaries.

15 2. When territory is annexed to a city the city council may attach  
16 all or any part of the annexed territory to any established precinct  
17 or precincts which are contiguous to the annexed territory, however  
18 this subsection shall not prohibit establishment of one or more new  
19 precincts in the annexed territory.

20 3. A city may have one special federal census taken each decade  
21 and the population figures obtained may be used to revise precinct  
22 boundaries in accordance with the requirements of sections forty-  
23 nine point three (49.3) and forty-nine point five (49.5) of the Code.

24 4. When the boundaries of any county supervisor, city council, or  
25 school director district, or any other district from which one or more  
26 members of any public representative body other than the general  
27 assembly are elected by the voters thereof, are changed by annexa-  
28 tion, reprecincting or other means, the change shall not result in the  
29 term of any officer elected from the former district being terminated  
30 before or extended beyond the expiration of the term to which the  
31 officer was last elected.

1 SEC. 115. Section forty-nine point ten (49.10), Code 1973, is  
2 amended to read as follows:

3 **49.10 Polling places for certain precincts.**

4 1. Polling places for precincts outside the limits of a city, but  
5 within the township, or originally within and set off as a separate  
6 township from the township in which the city is in whole or in part  
7 situated, and a polling place for a township which entirely surrounds  
8 another township containing a city, may be fixed at some room or  
9 rooms in the courthouse or in some other building within the limits  
10 of the city as the ~~board of supervisors~~ *commissioner* may provide.

11 2. If *the commissioner determines, or if a petition be is* filed with  
12 ~~the county supervisors\* him~~ ninety days before any primary, general  
13 or special election stating, that there is no suitable or adequate poll-  
14 ing place within a township constituting a voting precinct and that  
15 it is desirable and to the interest of the voters of ~~such that~~ township  
16 voting precinct that a voting place ~~therefore~~ *be designated for it*  
17 ~~outside the its territorial limits of such township precinct,~~ the ~~board~~  
18 ~~of supervisors commissioner~~ shall fix as a polling place for ~~such~~  
19 ~~township that precinct, such polling place outside the township pre-~~  
20 ~~cinct as the board its territorial limits, which he deems most con-~~  
21 ~~venient to the electors of the township precinct. Such~~ A petition  
22 ~~submitted under this subsection must be signed by voters eligible~~  
23 ~~electors~~ of the precinct exceeding in number one-half the total  
24 number of votes cast in the township precinct for the office of *presi-*  
25 *dent of the United States or governor, as the case may be,* at the last  
26 preceding general election. When the ~~board of supervisors commis-~~  
27 ~~sioner~~ has fixed such a polling place it shall remain the polling place

\*According to enrolled Act.

28 at all subsequent primary, general and special elections, until such  
 29 time as ~~the county board of supervisors, upon its own motion,~~ he shall  
 30 fix a *different* polling place ~~within said~~ *for the* precinct.

31 3. ~~The city council of~~ *In any city in which precinct lines have been*  
 32 *changed to comply with section 49.5, the commissioner may fix the*  
 33 *polling place for any precinct outside the boundaries of the precinct*  
 34 *if there is no building or facility within the precinct suitable and*  
 35 *available for use as a polling place. In so doing, the council commis-*  
 36 *sioner shall fix the polling place at the point nearest the precinct*  
 37 *which is suitable and available for use as a polling place and is rea-*  
 38 *sonably accessible to voters of the precinct. No single room or area*  
 39 *of any building or facility shall be fixed as the polling place for more*  
 40 *than one precinct unless there are separate entrances thereto each*  
 41 *clearly marked on the days on which elections are held as the*  
 42 *entrance to the polling place of a particular precinct, and suitable*  
 43 *arrangements are made within such room or area to prevent direct*  
 44 *access from the polling place of any precinct to the polling place of*  
 45 *any other precinct. When the council commissioner has fixed such a*  
 46 *polling place for any precinct it shall remain the polling place at all*  
 47 *subsequent primary, general and special elections, except elections*  
 48 *for which the precinct is merged with another precinct as permitted*  
 49 *by section forty-nine point eleven (49.11) of the Code, until the*  
 50 *boundaries of the precinct are changed or the council the commis-*  
 51 *er fixes a new polling place, except that the polling place shall be*  
 52 *changed to a point within the boundaries of the precinct at any time*  
 53 *not less than sixty days before the next succeeding primary, general*  
 54 *er special election that a building or facility suitable for such use*  
 55 *becomes available within the precinct.*

56 4. If two or more contiguous townships have been combined into  
 57 one election precinct by the board of supervisors, the ~~board~~ *commis-*  
 58 *sioner shall provide a polling place which is convenient to all of the*  
 59 *electors in the precinct.*

1 SEC. 116. Section forty-nine point eleven (49.11), Code 1973, is  
 2 amended to read as follows:

3 **49.11 Notice of boundaries of precincts—merger.** The board of  
 4 supervisors or council shall number or name the several precincts  
 5 established, and cause the boundaries of each to be recorded in the  
 6 records of said board of supervisors or council, as the case may be,  
 7 and publish notice thereof in some newspaper of general circulation,  
 8 published in such county or city, once each week for three consecu-  
 9 tive weeks, the last to be made at least thirty days before the next  
 10 general election. The precincts thus established shall continue until  
 11 *changed in the manner provided by law, except that for any election*  
 12 *other than the primary or general election the county commissioner*  
 13 *of elections may consolidate two or more precincts into one. How-*  
 14 *ever, he shall not do so if there is filed with him at least twenty days*  
 15 *before the election a petition signed by twenty-five or more eligible*  
 16 *electors of any precinct requesting that it not be merged with any*  
 17 *other precinct. There shall be attached to the petition the affidavit*  
 18 *of an eligible elector of the precinct that the signatures on the peti-*  
 19 *tion are genuine and that all of the signers are to the best of the*  
 20 *affiant's knowledge and belief eligible electors of the precinct.*

21 *If a special election is to be held in which only those qualified elec-*

22 *tors residing in a specified portion of any established precinct are*  
23 *entitled to vote, that portion of the precinct may be merged by the*  
24 *commissioner with one or more other established precincts or por-*  
25 *tions of established precincts for the special election, and the right*  
26 *to petition against merger of a precinct shall not apply.*

1 SEC. 117. Section forty-nine point twelve (49.12), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **49.12 Election boards.** There shall be appointed in each election  
5 precinct an election board which shall ordinarily consist of three  
6 judges and two clerks. However, in precincts using only one voting  
7 machine the board shall consist of three judges, two of whom shall  
8 also act as clerks, and in precincts using more than three voting  
9 machines one additional judge may be appointed for each such addi-  
10 tional machine. Not more than a simple majority of the members  
11 of the election board in any precinct shall be members of the same  
12 political party or organization if one or more qualified electors of  
13 another party or organization are qualified and willing to serve on  
14 the board. Double election boards may be appointed for any pre-  
15 cinct as provided by chapter fifty-one (51) of the Code.

1 SEC. 118. Section forty-nine point thirteen (49.13), Code 1973,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **49.13 Commissioner to appoint members, chairman.** The mem-  
5 bership of each precinct election board shall be appointed by the  
6 commissioner, not less than fifteen days before each election held in  
7 the precinct, from the election board panel drawn up as provided in  
8 section forty-nine point fifteen (49.15) of the Code. Each election  
9 board member shall be a member of one of the two political parties  
10 whose candidates for president of the United States or for governor,  
11 as the case may be, received the largest and next largest number of  
12 votes in the precinct at the last general election, except that persons  
13 not members of either of these parties may be appointed to serve for  
14 any election in which no candidates appear on the ballot under the  
15 heading of either of these political parties. In appointing the elec-  
16 tion board to serve for any election in which candidates' names do  
17 appear under the heading of these political parties, the commissioner  
18 shall give preference to the persons designated by the respective  
19 county chairmen of these political parties for placement on the elec-  
20 tion board panel, as provided by section forty-nine point fifteen  
21 (49.15) of the Code, in the order that they were so designated. The  
22 commissioner shall designate one member of each precinct election  
23 board as chairman of that board, and also of the counting board  
24 authorized by chapter fifty-one (51) of the Code if one is appointed,  
25 with authority over the mechanics of the work of both boards.

1 SEC. 119. Section forty-nine point fifteen (49.15), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **49.15 Commissioner to draw up election board panel.** Not less  
5 than twenty days before each primary election, the commissioner  
6 shall draw up for each precinct an election board panel from which

7 members of the precinct election board shall be appointed for each  
8 election held in the precinct during the ensuing two years. Each  
9 panel shall include members of each of the political parties referred  
10 to in section forty-nine point thirteen (49.13) of the Code, whose  
11 names may be designated by the county chairmen of each of these  
12 political parties not less than thirty days prior to each primary  
13 election. The commissioner may place on the election board panel  
14 names of persons known to him to be members of these political  
15 parties, if the respective county chairmen fail to designate a suffi-  
16 cient number of names, and may also add names of persons not mem-  
17 bers of either of these political parties who have advised him they  
18 are willing to serve on the election board for elections in which no  
19 candidates appear on the ballot under the heading of either of these  
20 political parties.

1 SEC. 120. Section forty-nine point sixteen (49.16), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **49.16 Tenure of election board panel.** Each person whose name  
5 is placed on the election board panel as provided in section forty-nine  
6 point fifteen (49.15) of the Code, shall remain available for appoint-  
7 ment to the election board of the precinct, subject to the provisions  
8 of section forty-nine point twelve (49.12) of the Code, until a new  
9 panel is drawn up unless his name is sooner deleted from the panel  
10 by the commissioner. The election board for each election held in  
11 the precinct shall be drawn from the panel, however:

12 1. No person shall serve on the election board at any election in  
13 which he or any person related to him within the third degree of  
14 consanguinity or affinity is a candidate to be voted upon in that  
15 precinct, and it shall be the responsibility of each person whose name  
16 is listed on the election board panel to notify the commissioner not  
17 less than fifteen days before any election at which he is ineligible to  
18 serve by reason of this subsection. However, this subsection shall  
19 not apply in the case of any candidate or relative of a candidate seek-  
20 ing an office or nomination which no opposing candidate is seeking.  
21 Any candidate for an office or for nomination to an office to which  
22 two or more persons are to be elected at large is unopposed, for the  
23 purpose of this subsection, if the number of candidates for the office  
24 or nomination does not exceed the number of persons to be elected or  
25 nominated.

26 2. When all or portions of two or more precincts are merged for  
27 any election as permitted by section forty-nine point eleven (49.11)  
28 of the Code, the commissioner may appoint the election board for the  
29 merged precinct from the election board panels of any of the pre-  
30 cincts so merged.

31 3. Persons whose names are listed on the election board panel shall  
32 not be required to serve on the election board for any election which  
33 by the terms of the statute authorizing it is exempt from the provi-  
34 sions of this chapter. The necessary officers for such elections shall  
35 be designated as provided by law or, if there is no applicable statute,  
36 by the commissioner.

1 SEC. 121. Section forty-nine point eighteen (49.18), Code 1973, is  
2 amended to read as follows:

3     **49.18 Vacancies occurring on election day.** If, at the opening of  
 4 the polls in any precinct, there shall be a vacancy in the office of clerk  
 5 or judge of election, the ~~same vacancy~~ shall be filled *by the commis-*  
 6 *sioner or, with his approval and for that election only* by the members  
 7 of the board present, ~~and from the political party which is entitled to~~  
 8 ~~such vacant office under the provisions of this chapter~~ *consideration*  
 9 *being given to the political party affiliation of the person appointed*  
 10 *if necessary in order to comply with the requirements of sections*  
 11 *forty-nine point twelve (49.12) and forty-nine point thirteen (49.13)*  
 12 *of the Code.*

1     SEC. 122. Section forty-nine point twenty (49.20), Code 1973, is  
 2 amended to read as follows:

3     **49.20 Compensation of members.** The members of election boards  
 4 shall receive two dollars per hour while engaged in the discharge of  
 5 their duties and ten cents per mile for actual and necessary travel.  
 6 Compensation shall be paid to members of election boards only after  
 7 the vote has been canvassed and it has been determined in the  
 8 course of such canvass that the ~~pollbook jurat~~ *election record certifi-*  
 9 *cate* has been properly executed by the election board.

1     SEC. 123. Section forty-nine point twenty-one (49.21), Code 1973,  
 2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Ses-  
 3 sion, Senate File five hundred one (501), section one (1), is amended  
 4 to read as follows:

5     **49.21 Polling places.** ~~In townships the trustees, except as other-~~  
 6 ~~wise provided, shall provide, at the expense of the county, suitable~~  
 7 ~~places in which to hold all elections provided for in this chapter, and~~  
 8 ~~see that the same are warmed and lighted.~~

9     Upon the application of the ~~county auditor or the township trustees~~  
 10 ~~commissioner~~, the authority which has control of any buildings or  
 11 grounds supported by taxation under the laws of this state shall make  
 12 available the necessary space therein for the purpose of holding elec-  
 13 tions, without charge for the use thereof.

14     Except as otherwise provided by law, the polling place in each  
 15 precinct in the state shall be located in a central location if a build-  
 16 ing is available. However, first consideration shall be given to the  
 17 use of public buildings supported by taxation.

18     In the selection of polling places, consideration shall also be given  
 19 to the use of buildings accessible to elderly and physically disabled  
 20 persons.

1     SEC. 124. Section forty-nine point twenty-three (49.23), Code  
 2 1973, is amended to read as follows:

3     **49.23 Notice of change.** When a change is made from the usual  
 4 ~~polling place of holding elections in for the township, precinct or~~  
 5 ~~when the precinct polling place for any primary or general election~~  
 6 ~~is different from that used for the precinct at the last preceding~~  
 7 ~~primary or general election, notice of such change shall be given by~~  
 8 ~~posting up notices in three public places in the township, publication~~  
 9 ~~in a newspaper of general circulation in the precinct not more than~~  
 10 ~~fifteen nor less than ten five days~~ prior to the day on which the elec-  
 11 tion is to be held. *In addition a notice of the present polling place*  
 12 *for the precinct shall be posted, not later than the hour at which the*  
 13 *polls open on the day of the election, on each door to the usual or*

14 *former polling place in the precinct and shall remain there until the*  
15 *polls have closed.*

1 SEC. 125. Section forty-nine point twenty-four (49.24), Code  
2 1973, is amended to read as follows:

3 **49.24 Schoolhouses as polling places.** In precincts outside of  
4 cities ~~and towns~~ the election shall, if practicable, be held in the public  
5 school building. All damage to the building or furniture shall be paid  
6 by the county.

1 SEC. 126. Section forty-nine point twenty-five (49.25), Code  
2 1973, is amended to read as follows:

3 **49.25 Arrangement and number of Equipment required at polling**  
4 **places and booths.** ~~The~~ *In any county or portion of a county where*  
5 *voting machines are not in use the commissioner shall furnish to each*  
6 *precinct the necessary ballot boxes, suitably equipped with locks and*  
7 *keys, and shall insure that the number, arrangement, and construc-*  
8 *tion of polling places and voting booths shall be at the polling place in*  
9 *each precinct are as follows:*

10 1. Each booth shall be at least three feet square, and have three  
11 sides enclosed, the side in front to open and shut by a door swinging  
12 outward, or closed with a curtain.

13 2. Each side of the booth shall be seven feet high, and the door or  
14 curtain shall extend to within two feet of the floor, and shall be closed  
15 while the voter is preparing his ballot.

16 3. Each booth shall contain a shelf at least one foot wide, at a  
17 convenient height for writing, and shall be well lighted.

18 4. The number of voting booths shall not be less than one to every  
19 ~~four~~ *three* hundred voters or *major* fraction thereof who voted in the  
20 last preceding *similar* election in the precinct.

21 5. The booths ~~and compartments~~ shall be so built and arranged, if  
22 possible, as to be permanent, so that after the election they may be  
23 taken down and deposited with the ~~township, city, or town clerk,~~ as  
24 ~~the case may be,~~ *commissioner or his designee* for safekeeping and  
25 for future use.

1 SEC. 127. Section forty-nine point twenty-six (49.26), Code 1973,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **49.26 Voting machines furnished.** The commissioner shall fur-  
5 nish for each precinct to which section forty-nine point twenty-five  
6 (49.25) of the Code is not applicable a minimum of one voting ma-  
7 chine, meeting the requirements of chapter fifty-two (52) of the  
8 Code, for every three hundred voters or major fraction thereof who  
9 voted in the last preceding similar election in the precinct.

1 SEC. 128. Section forty-nine point twenty-seven (49.27), Code  
2 1973, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 **49.27 Precincts where some electors may not vote for all candi-**  
5 **dates or questions.** When the territory of a precinct is such that one  
6 or more of the candidates or questions on the ballot in any election  
7 may not be legally voted upon by all qualified electors of the precinct,  
8 the commissioner may not place those candidates or questions upon

9 a voting machine which may be used by qualified electors of the  
 10 entire precinct unless the machine is equipped with a device, readily  
 11 operable by the election official attending the machine, by which that  
 12 portion of the machine on which those candidates or questions appear  
 13 may be locked when the machine is to be used by a qualified elector  
 14 not eligible to vote for those candidates or questions. If the voting  
 15 machines in any precinct to which this section is applicable are not  
 16 so designed, the commissioner may place the candidates or questions  
 17 for which not all voters of the precinct may legally vote on one or  
 18 more, but not all, of the voting machines in the precinct. In any  
 19 precinct to which this section is applicable and in which neither of  
 20 the foregoing procedures are feasible, or in which all voting is by  
 21 paper ballot, the commissioner shall prepare separate ballots for the  
 22 candidates or questions which may not be legally voted upon by all  
 23 qualified electors of the precinct, and shall furnish a separate ballot  
 24 box in which only those ballots shall be deposited.

1 SEC. 129. Section forty-nine point twenty-eight (49.28), Code  
 2 1973, is amended to read as follows:

3 **49.28 Auditor Commissioner to furnish pollbooks registers and**  
 4 **supplies.** The ~~auditor commissioner~~ shall prepare and furnish to each  
 5 precinct ~~two pollbooks an election register,~~ and all other books,  
 6 blanks, materials, and supplies necessary to carry out the provisions  
 7 of this chapter. ~~Each pollbook shall contain a column for the names~~  
 8 ~~of the voters, a column for the number, and sufficient printed blank~~  
 9 ~~leaves to contain the entries of the oaths, certificates, and returns.~~  
 10 *Voter registration records shall be kept so that the election register*  
 11 *for each precinct contains the names of no electors except those eli-*  
 12 *gible to vote in that precinct. When a precinct lies in more than one*  
 13 *political subdivision or district from which any officer is elected, the*  
 14 *election register must clearly indicate who are the eligible electors of*  
 15 *each political subdivision or district in which the precinct lies.*

1 SEC. 130. Section forty-nine point twenty-nine (49.29), Code  
 2 1973, is amended to read as follows:

3 **49.29 Voting by ballot or machine.** In all elections regulated by  
 4 this chapter, the voting shall be by ballots printed and distributed as  
 5 ~~hereinafter provided, except as may be otherwise specially directed~~  
 6 ~~by law, or by voting machines meeting the requirements of chapter~~  
 7 ~~fifty-two (52) of the Code.~~

1 SEC. 131. Section forty-nine point thirty (49.30), Code 1973, is  
 2 amended to read as follows:

3 **49.30 All candidates on one ballot—exception.** The names of all  
 4 candidates to be voted for in ~~such each~~ election precinct, except presi-  
 5 dential electors, shall be printed on one ballot, except that at any elec-  
 6 tion where voting machines are used, and it is impossible to place the  
 7 names of all candidates on the machine ballot, the ~~county auditor, city~~  
 8 ~~clerk, or town clerk, commissioner~~ may provide a separate printed  
 9 ballot for the candidates for judge of district court ~~where there is no~~  
 10 ~~contest,~~ and the township ticket, or either; one of each of said printed  
 11 ballots to be furnished each qualified voter.

1 SEC. 132. Section forty-nine point thirty-one (49.31), Code 1973,  
 2 is amended to read as follows:

3 **49.31 Arrangement of party nominees names on ballot.** All nomi-  
 4 nations of any political party or group of petitioners, except as pro-  
 5 vided in section 49.30, shall be placed under the party name or title  
 6 of such party or group, as designated by them in their certificates of  
 7 nomination or petitions, or if none be designated, then under some  
 8 suitable title, and the ballot shall contain no other names, except as  
 9 provided in section 49.32.

10 In counties where two or more senators or representatives are to be  
 11 elected to the general assembly at a general or special election the  
 12 names of candidates shall be arranged and printed on the ballots in  
 13 the following manner:

14 The county auditor ~~commissioner~~ shall prepare a list of the election  
 15 precincts of his county, by arranging the various townships, ~~towns~~  
 16 and cities in the county in alphabetical order, and the wards or pre-  
 17 cincts in each city, ~~town~~, or township in numerical order under the  
 18 name of such city, ~~town~~, or township. He shall then arrange the  
 19 surnames of each political party's candidates for such offices alpha-  
 20 betically for the respective offices for the first precinct on the list;  
 21 thereafter, for each political party and for each succeeding precinct,  
 22 the names appearing first for the respective offices in the last preced-  
 23 ing precinct shall be placed last, so that the names that were second  
 24 before the change shall be first after the change. The procedure for  
 25 arrangement of names on ballots provided in this section shall like-  
 26 wise be substantially followed in elections in political subdivisions of  
 27 less than a county. In representative districts of two or more counties  
 28 in which two representatives are to be chosen, each county auditor  
 29 shall comply with the above requirements in his county.

30 *The ballots for any city elections or school elections, or any special*  
 31 *election at which any office is to be filled on a nonpartisan basis shall*  
 32 *contain the names of all nominees or candidates arranged in alpha-*  
 33 *betical order by surname under the heading of the office to be filled.*  
 34 *When a city election, school election or special election to fill an office*  
 35 *is held in more than one precinct, the candidates' names shall be*  
 36 *rotated on the ballot from precinct to precinct in the manner pre-*  
 37 *scribed by the preceding paragraph of this section.*

38 *If electors in any precinct are entitled to vote for more than one*  
 39 *nominee or candidate for a particular office, the heading for that*  
 40 *office on the precinct ballot shall be immediately followed by a nota-*  
 41 *tion of the number of nominees or candidates for that office for whom*  
 42 *each elector may vote. Provision shall be made on the ballot to allow*  
 43 *the elector to write in the name of any person for whom he desires to*  
 44 *vote for any office or nomination on the ballot.*

1 SEC. 133. Section forty-nine point forty-two (49.42), Code 1973,  
 2 is amended to read as follows:

3 **49.42 Form of official ballot.** ~~Said~~ *The ballot for the general*  
 4 *election shall be substantially the following form:*

5	○ REPUBLICAN	○ DEMOCRATIC	○ PROHIBITION	○ UNION LABOR
6	For President	For President	For President	For President
7	A..... B.....,	N..... O.....,	A..... B.....,	N..... O.....,
8	of Ohio.	of Virginia.	of Maine.	of Idaho.
9	<input type="checkbox"/> For Vice-			
10	President,	President,	President,	President,
11	C..... D.....,	P..... Q.....,	C..... D.....,	P..... Q.....,
12	of New York.	of Indiana.	of Illinois.	of Ohio.
13	For	For	For	For
14	United States	United States	United States	United States
15	Senator.	Senator.	Senator.	Senator.
16	<input type="checkbox"/> E..... F.....,	<input type="checkbox"/> R..... S.....,	<input type="checkbox"/> E..... F.....,	<input type="checkbox"/> R..... S.....,
17	of ..... County.	of ..... County.	of ..... County.	of ..... County.
18	For	For	For	For
19	United States	United States	United States	United States
20	Representative,	Representative,	Representative,	Representative,
21	<input type="checkbox"/> G..... H.....,	<input type="checkbox"/> T..... U.....,	<input type="checkbox"/> G..... H.....,	<input type="checkbox"/> T..... U.....,
22	of ..... County.	of ..... County.	of ..... County.	of ..... County.
23	For Governor,	For Governor,	For Governor,	For Governor,
24	<input type="checkbox"/> I..... J.....,	<input type="checkbox"/> V..... W.....,	<input type="checkbox"/> I..... J.....,	<input type="checkbox"/> V..... W.....,
25	of ..... County.	of ..... County.	of ..... County.	of ..... County.
26	For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
27	Governor,	Governor,	Governor,	Governor,
28	<input type="checkbox"/> K..... L.....,	<input type="checkbox"/> X..... Y.....,	<input type="checkbox"/> K..... L.....,	<input type="checkbox"/> X..... Y.....,
29	of ..... County.	of ..... County.	of ..... County.	of ..... County.

1 SEC. 134. Section forty-nine point forty-three (49.43), Code  
 2 1973, is amended by striking the section and inserting in lieu thereof  
 3 the following:

4 **49.43 Ballot for constitutional amendment or other public mea-**  
 5 **sure.** When a constitutional amendment or other public measure is  
 6 to be voted upon by paper ballot it shall be printed in full upon a  
 7 separate ballot, preceded by the words "Shall the following amend-  
 8 ment to the Constitution (or public measure) be adopted?" Upon the  
 9 right-hand side of the ballot, opposite these words, two spaces shall  
 10 be left, one for votes favoring the amendment or public measure and  
 11 the other for votes opposing it. In one of these spaces the word "yes"  
 12 or other word required by law shall be printed; in the other, "no" or  
 13 other word required by law shall be printed. Immediately to the  
 14 right of each of these spaces a square shall be printed to receive the  
 15 voting cross or check.

1 SEC. 135. Section forty-nine point forty-four (49.44), Code 1973,  
 2 is amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **49.44 State commissioner to prepare summary.** When a proposed  
 5 constitutional amendment or other public measure to be decided by  
 6 the voters of the entire state is to be voted upon, the state commis-  
 7 sioner shall prepare a written summary of the amendment or mea-  
 8 sure. The summary shall be printed immediately preceding the text  
 9 of the proposed amendment or measure on the paper ballot referred  
 10 to in section forty-nine point forty-three (49.43) of the Code and, in  
 11 precincts where the amendment or measure will be voted on by ma-

12 chine, shall be placed in the voting machine inserts as required by  
13 section fifty-two point twenty-five (52.25) of the Code.

1 SEC. 136. Section forty-nine point forty-five (49.45), Code 1973,  
2 is amended to read as follows:

3 **49.45 General form of ballot.** Ballots referred to in sections *sec-*  
4 *tion* 49.43 and 49.44 shall be substantially in the following form:

5 "Shall the following amendment to the Constitution Yes   
6 (or public measure) be adopted?" No

7 (Here insert the summary, if it be for a constitutional amendment  
8 or statewide public measure, and in full the proposed constitutional  
9 amendment or public measure.)

1 SEC. 137. Section forty-nine point fifty-one (49.51), Code 1973,  
2 is amended to read as follows:

3 **49.51 County auditor Commissioner to control printing.** For all  
4 elections held under this chapter except those of cities and towns his  
5 jurisdiction, the county auditor commissioner shall have charge of  
6 the printing of ballots in his county, and shall cause to be placed  
7 thereon the names of all candidates and questions which have been  
8 certified to him by the secretary of state commissioner, in the order  
9 the same appear upon said certificate, together with those of all other  
10 candidates and questions to be voted for thereat, whose nominations  
11 have been made in conformity with law.

1 SEC. 138. Section forty-nine point fifty-three (49.53), Code 1973,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **49.53 Publication of ballot and notice.** The commissioner shall,  
5 not less than four nor more than twenty days prior to the day of  
6 each election to which this chapter applies except those elections for  
7 which more specific notice or publication requirements are provided  
8 by law, publish a list of all candidates or nominees for public office  
9 and all public questions which are to be voted upon at the election.  
10 The list shall be published as nearly as possible in the form in which  
11 the candidates' or nominees' names and the public questions, if any,  
12 will appear on the official ballot. The list shall be accompanied by  
13 a notice stating on what day the election is to be held, the hours the  
14 polls will be open, and the location of the polling place for each pre-  
15 cinct. No fact which is apparent from the ballot as published in  
16 the required notice need be set forth in words in the notice. The  
17 publication shall be in two newspapers representing, if possible, the  
18 two political parties whose candidates for president of the United  
19 States or for governor, as the case may be, received the largest and  
20 next largest number of votes in the county at the last preceding gen-  
21 eral election, except that in city elections the publication may be  
22 made in only one newspaper, which shall be of general circulation  
23 in the city.

1 SEC. 139. Section forty-nine point fifty-four (49.54), Code 1973,  
2 is amended to read as follows:

3 **49.54 Publication of ballot.** For publication of the official ballot  
4 and accompanying notice in each of the two newspapers in which the  
5 ballot shall be published the manner required by section forty-nine  
6 point fifty-three (49.53) of the Code, the cost shall not exceed an

7 amount determined by the *director of the state printing board depart-*  
8 *ment of general services or his designee.*

1 SEC. 140. Section forty-nine point fifty-five (49.55), Code 1973,  
2 is amended to read as follows:

3 **49.55 Delivery of ballots supplies to judges.** In all cases the  
4 *necessary election supplies, including paper ballots for precincts*  
5 *where they are to be used,* shall be furnished the election judges ~~at~~  
6 ~~the polling place in each precinct~~ not less than ~~twelve hours one hour~~  
7 before the opening of the polls on the morning of the election.

1 SEC. 141. Section forty-nine point fifty-six (49.56), Code 1973,  
2 is amended to read as follows:

3 **49.56 Maximum cost of printing.** The cost of printing the official  
4 election ballots and printed supplies for voting machines shall not  
5 exceed an amount determined by the *director of the state printing*  
6 *board department of general services or his designee.*

1 SEC. 142. Section forty-nine point fifty-seven (49.57), subsec-  
2 tion five (5), Code 1973, is amended to read as follows:

3 5. On the outside of the ballot, so as to appear when folded, shall  
4 be printed the words "Official ballot", followed by the designation of  
5 the polling place for which the ballot is prepared, the date of the elec-  
6 tion, and a facsimile of the signature of the ~~auditor or other officer~~  
7 *commissioner* who has caused the ballot to be printed.

1 SEC. 143. Section forty-nine point fifty-eight (49.58), Code 1973,  
2 is amended to read as follows:

3 **49.58 Vacancies certified before ballots are printed.** The name  
4 supplied for a vacancy by the certificate of the ~~secretary of state~~  
5 *commissioner,* or by nomination certificates or papers for a vacancy  
6 filed with the ~~county auditor, or city or town clerk,~~ *commissioner*  
7 shall, if the ballots are not already printed, be placed on the ballots in  
8 place of the name of the original nominee.

1 SEC. 144. Section forty-nine point sixty (49.60), Code 1973, is  
2 amended to read as follows:

3 **49.60 Inserting name of vacancy nominee.** When it may not be  
4 practicable, after a vacancy has been certified, to have new ballots  
5 printed, the election officers ~~having charge of them~~ *commissioner*  
6 shall place the name supplied for the vacancy upon each ballot used  
7 before delivering it to the judges of election.

1 SEC. 145. Section forty-nine point sixty-one (49.61), Code 1973,  
2 is amended to read as follows:

3 **49.61 Furnishing judges name of vacancy nominee—pasters.** If  
4 said ballots have been delivered to the judges of election before a  
5 vacancy has been certified, ~~said auditor or clerk~~ *the commissioner*  
6 shall immediately furnish the name of such substituted nominee to  
7 all judges of election within the territory in which said nominee may  
8 be a candidate.

9 Pastors with the name of the substituted nominee thereon shall like-  
10 wise be furnished the voter with his ballot when possible to do so.

1 SEC. 146. Section forty-nine point sixty-three (49.63), Code 1973,  
2 is amended to read as follows:

3 **49.63 Time of printing—inspection and correction.** Ballots shall  
 4 be printed and in the possession of the ~~officer charged with their dis-~~  
 5 ~~tribution~~ *commissioner* in time to enable him to furnish ballots to  
 6 absent voters as provided by law. ~~Said sections fifty-three point eight~~  
 7 ~~(53.8) and fifty-three point eleven (53.11) of the Code. The printed~~  
 8 ballots shall be subject to the inspection of candidates and their  
 9 agents. If mistakes are discovered, they shall be corrected without  
 10 delay, in the manner provided in this chapter.

1 SEC. 147. Section forty-nine point sixty-four (49.64), Code 1973,  
 2 is amended to read as follows:

3 **49.64 Number ballots delivered.** The ~~officers charged with the~~  
 4 ~~printing of the ballots~~ *commissioner* shall cause ballots of the kind  
 5 to be voted in each precinct, to be delivered to the judges of election as  
 6 follows: In general elections which are presidential elections seventy-  
 7 five ballots for every fifty votes, or fraction thereof, cast in said pre-  
 8 cinct at the last preceding general election which was also a presi-  
 9 dential election; and in general elections which are not presidential  
 10 elections, seventy-five ballots for every fifty votes, or fraction thereof,  
 11 cast therein at the last preceding general election which was not a  
 12 presidential election.

1 SEC. 148. Section forty-nine point sixty-five (49.65), Code 1973,  
 2 is amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **49.65 Packing ballots—delivery—receipts—records.** The required  
 5 number of ballots for each precinct shall be wrapped and sealed, and  
 6 each package shall be clearly marked on the outside to indicate the  
 7 number of ballots contained in the package and the name or number  
 8 of the precinct and the location of the polling place for which they  
 9 are intended. The ballots shall be delivered to the precinct election  
 10 judges together with other necessary election supplies, as provided  
 11 by section forty-nine point fifty-five (49.55) of the Code, and one of  
 12 the judges shall sign a receipt for the ballots which receipt shall be  
 13 preserved by the commissioner. The commissioner shall keep a rec-  
 14 ord of the number of ballots delivered for each polling place, the per-  
 15 son who signed the receipt for them, and the time they were deliv-  
 16 ered, on a form which also provides space for the entries required  
 17 by section fifty point ten (50.10) of the Code.

1 SEC. 149. Section forty-nine point sixty-six (49.66), Code 1973,  
 2 is amended to read as follows:

3 **49.66 Reserve supply of ballots.** ~~Any officer charged with the~~  
 4 ~~printing and distribution of ballots~~ *The commissioner* shall provide  
 5 and retain at his office an ample supply of ballots, in addition to those  
 6 distributed to the several voting precincts, and if at any time the bal-  
 7 lots furnished to any precinct shall be lost, destroyed, or exhausted  
 8 before the polls are closed, on written application, signed by a major-  
 9 ity of the judges of such precinct, or signed and sworn to by one of  
 10 such judges, he shall immediately cause to be delivered to such judges,  
 11 at the polling place, such additional supply of ballots as may be  
 12 required, and sufficient to comply with the provisions of this chapter.

1 SEC. 150. Section forty-nine point sixty-eight (49.68), unnum-  
 2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 The secretary of state *commissioner* with the approval of the attorney  
4 general shall prepare, and from time to time revise, written  
5 instructions to the voters relative to voting, and shall furnish each  
6 *commissioner with copies of the instructions*. Such instructions shall  
7 cover the following matters:

1 SEC. 151. Section forty-nine point seventy (49.70), Code 1973, is  
2 amended to read as follows:

3 **49.70 Judges furnished instructions.** The ~~county auditor and city~~  
4 ~~clerk commissioner~~ shall cause copies of the foregoing instructions  
5 to be printed in large, clear type, under the heading of "Card of  
6 Instructions", and shall furnish the judges of election with a sufficient  
7 number of such cards as will enable them to comply with section  
8 49.71.

1 SEC. 152. Section forty-nine point seventy-two (49.72), Code  
2 1973, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 **49.72 Absentee voters designated before polling place opened.**  
5 The commissioner shall deliver to each precinct election board not  
6 less than one hour before the time at which the polls are to open for  
7 any election the list of all qualified electors of that precinct who have  
8 been given or sent an absentee ballot for that election, and the election  
9 board shall immediately designate those qualified electors who  
10 are so listed and therefore not entitled to vote in person at the polls,  
11 as required by section 53.19 of the Code.

1 SEC. 153. Section forty-nine point seventy-three (49.73), Code  
2 1973, is amended to read as follows:

3 **49.73 Time of opening and closing polls.** At all elections in pre-  
4 ~~cinets in which permanent registration is not required the polls shall~~  
5 ~~be opened at eight o'clock a.m. At all elections in precincts in which~~  
6 ~~permanent registration is required the polls shall be opened at seven~~  
7 o'clock a.m., or in each case as soon thereafter as vacancies in the  
8 places of judges or clerks of election have been filled. In all cases the  
9 polling places shall be closed at eight o'clock p.m.

1 SEC. 154. Section forty-nine point seventy-four (49.74), Code  
2 1973, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 **49.74 Qualified electors entitled to vote after closing time.** Every  
5 qualified elector who is on the premises of his precinct polling place  
6 at the time the polling place is to be closed for any election shall be  
7 permitted to vote in that election. Wherever possible, when there are  
8 persons on the premises of a polling place awaiting an opportunity to  
9 claim their vote at the time the polling place is to be closed, the election  
10 board shall cause those persons to move inside the structure in  
11 which the polling place is located and shall then shut the doors of the  
12 structure and shall not admit any additional persons to the polling  
13 place for the purpose of voting. If it is not feasible to cause persons  
14 on the premises of a polling place awaiting an opportunity to claim  
15 their vote at the time the polling place is to be closed to move inside  
16 the structure in which the polling place is located, the election board  
17 shall cause those persons to be designated in some reasonable manner

18 and shall not receive votes after that time from any persons except  
19 those qualified electors so designated.

1 SEC. 155. Section forty-nine point seventy-six (49.76), Code 1973,  
2 is amended to read as follows:

3 **49.76 How administered.** Any one of the judges or clerks present  
4 may administer the oath to the others, and it shall be entered in the  
5 ~~pollbooks~~ *election records*, subscribed by the person taking it, and  
6 certified by the officer administering it.

1 SEC. 156. Section forty-nine point seventy-seven (49.77), Code  
2 1973, is amended to read as follows:

3 **49.77 Ballot furnished to voter.** The judges of election of their  
4 respective precincts shall have charge of the ballots and furnish  
5 them to the voters. Any person desiring to vote shall give his name  
6 and address to the judges, ~~and one of whom shall announce the per-~~  
7 ~~son's name aloud for the benefit of political party challengers if any~~  
8 ~~are present in the polling place. No person whose name does not~~  
9 ~~appear on the election register of the precinct in which he claims his~~  
10 ~~vote shall be permitted to vote unless the county commissioner of~~  
11 ~~elections informs the judges that an error has been made and that~~  
12 ~~the person is a qualified elector of that precinct. The elector shall~~  
13 ~~sign a voter's declaration provided by the judges of the election, in~~  
14 ~~substantially the following form:~~

15 **VOTER'S DECLARATION OF ELIGIBILITY**

16 I do solemnly swear or affirm that I am a resident of the .....  
17 precinct, ..... ward or township, city or town of .....,  
18 county of ....., Iowa.

19 I am a qualified elector. I have not voted and will not vote in any  
20 other precinct in said election.

21 (For primary election only:) I am affiliated with the .....  
22 party.

23 I understand that any false statement in this declaration is a crim-  
24 inal offense punishable as provided by law.

25 .....  
26 Signature of Voter  
27 .....

28 Address  
29 .....

30 Approved:

31 .....  
32 Judge or Clerk of the Election

33 In precincts where the judges of the election are furnished regis-  
34 tration lists, an election judge may require of an elector unknown  
35 to the judge, identification upon which the elector's signature or mark  
36 of such person appears. If identification is established to the satis-  
37 faction of the judges of the election, the person may then be allowed  
38 to vote.

39 All voters' declarations may then be seen by the challengers of each  
40 political party, at the request of such challengers.

1 SEC. 157. Section forty-nine point seventy-nine (49.79), Code  
2 1973, is amended to read as follows:

3 **49.79 Challenges.** Any person offering to vote may be challenged  
4 as unqualified by any judge or elector; and it is the duty of each of

5 the judges to challenge any person offering to vote whom he knows  
6 or suspects not to be duly qualified. *At primary elections challenges*  
7 *may be made on the grounds stated in section forty-three point forty-*  
8 *four (43.44) of the Code.* No judge shall receive a ballot from a  
9 voter who is challenged, until such voter shall have established his  
10 right to vote.

1 SEC. 158. Section forty-nine point eighty (49.80), subsection one  
2 (1), Code 1973, is amended to read as follows:

3 1. When *the status of any person as a qualified elector* is so chal-  
4 lenged, the judges shall explain to him the qualifications of an elec-  
5 tor, ~~require such person to sign an affidavit as set forth in section~~  
6 ~~49.77,~~ and may examine him under oath touching his qualifications  
7 as a voter.

1 SEC. 159. Section forty-nine point eighty (49.80), Code 1973, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. In case of a challenge on the grounds stated in  
4 section forty-three point forty-four (43.44) of the Code, the proced-  
5 ures set forth in that section shall be followed.

1 SEC. 160. Section forty-nine point eighty-one (49.81), Code 1973,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **49.81 Oath in case of challenge.** If the elector is challenged when  
5 offering to vote, but offers a receipt of registration to the election  
6 judges as proof of his eligibility to vote, the commissioner shall  
7 decide whether the elector shall be entitled to vote. If in the opin-  
8 ion of the commissioner there is sufficient evidence of the elector's  
9 eligibility, one of the election judges shall tender to the challenged  
10 elector an affidavit prescribed by the state commissioner which reaf-  
11 firms the challenged elector's eligibility.

1 SEC. 161. Section forty-nine point eighty-three (49.83), Code  
2 1973, is amended to read as follows:

3 **49.83 Names to be entered marked on pollbook or election register.**  
4 ~~In precincts in which permanent registration is not required the~~  
5 ~~name of each person, when a ballot is delivered to him, shall be~~  
6 ~~entered by each of the clerks of election in the pollbook kept by him~~  
7 ~~in the place provided therefor. In precincts in which permanent regis-~~  
8 ~~tration is required, the~~ *The* name of each voter shall be marked on  
9 the election register by a clerk of election when the voter's declara-  
10 tion of eligibility has been approved by the judges of election.

1 SEC. 162. Section forty-nine point eighty-four (49.84), Code  
2 1973, is amended to read as follows:

3 **49.84 Marking and return of ballot.** On receipt of the ballot, the  
4 voter shall, without leaving the enclosed space, retire alone to one  
5 of the voting booths, and without delay mark his ballot, and, before  
6 leaving the voting booth, shall fold the same in such manner as to  
7 conceal the marks thereon, and deliver the same to one of the judges  
8 of election. ~~The number of the voter on the pollbooks or register lists~~  
9 ~~No identifying mark or symbol shall not be endorsed on the back of~~  
10 his ballot.

1 SEC. 163. Section forty-nine point eighty-six (49.86), Code 1973,  
2 is amended to read as follows:

3 **49.86 Failure to vote—return of ballot.** Any voter who, after  
4 receiving an official ballot, decides not to vote, shall, before entering  
5 the voting booth, surrender to the election officers the official ballot  
6 which has been given him, and such fact shall be noted on ~~each of the~~  
7 ~~poll lists~~ *election records*. A refusal to surrender such ballot shall  
8 subject the person so offending to immediate arrest and the penalties  
9 provided ~~in~~ *for violation of this chapter*.

1 SEC. 164. Section forty-nine point eighty-eight (49.88), Code  
2 1973, is amended to read as follows:

3 **49.88 Limitation on persons in booth and time for voting.** No  
4 more than one person shall be allowed to occupy any voting booth  
5 at any time. No person shall occupy such booth for more than three  
6 minutes to cast his ~~ballot in precincts using voting machines, nor for~~  
7 ~~more than three minutes in precincts using paper ballots~~ *vote*. Noth-  
8 ing in this section shall prohibit assistance to voters under section  
9 49.90.

1 SEC. 165. Section forty-nine point eighty-nine (49.89) Code 1973,  
2 is amended to read as follows:

3 **49.89 Selection of officials to assist voters.** At, or before, the  
4 opening of the polls, the judges of each precinct shall select two  
5 members of the election board, of different political parties *in the*  
6 *case of any election in which candidates appear on the ballot under*  
7 *the heading of either of the political parties referred to in section*  
8 *forty-nine point thirteen (49.13) of the Code*, to assist voters who  
9 may be unable to ~~mark their ballots~~ *cast their votes without assist-*  
10 *ance*. Voters who are blind may have the assistance of any person  
11 they may select.

1 SEC. 166. Section forty-nine point ninety (49.90), Code 1973, is  
2 amended to read as follows:

3 **49.90 Assisting voter.** Any voter who may declare upon oath  
4 that he cannot read the English language, or that, by reason of  
5 physical disability other than intoxication, he is unable to ~~mark his~~  
6 ~~ballot~~ *cast his vote without assistance*, shall, upon request, be assisted  
7 by said two officers, or by any person the blind voter may select, in  
8 ~~marking said ballot~~ *casting his vote*. Said officers, or person selected  
9 by the blind voter, shall ~~mark said ballot as directed by the voter~~  
10 *cast the vote of the voter requiring assistance*, and shall thereafter  
11 give no information regarding the same.

1 SEC. 167. Section forty-nine point ninety-one (49.91), Code 1973,  
2 is amended to read as follows:

3 **49.91 Assistance indicated on ~~pollbook~~ register.** The clerks of  
4 election shall ~~enter mark~~ upon the ~~poll lists~~ *election register*, after  
5 the name of any elector who received such assistance in ~~marking his~~  
6 ~~ballot, a memorandum of the fact~~ *casting his vote*.

1 SEC. 168. Section forty-nine point ninety-two (49.92), Code 1973,  
2 is amended to read as follows:

3 **49.92 Voting mark.** The voting mark shall be a cross or check  
4 which shall be placed in the circle at the head of a ticket, or in the

5 squares opposite the names of candidates. *The fact that the voting*  
 6 *mark is made by an instrument other than a black lead pencil shall*  
 7 *not affect the validity of the ballot unless it appears that the color or*  
 8 *nature of the mark is intended to identify the ballot contrary to the*  
 9 *intent of section forty-nine point one hundred seven (49.107), sub-*  
 10 *section seven (?) of the Code.*

1 SEC. 169. Section forty-nine point ninety-four (49.94), first un-  
 2 numbered paragraph, Code 1973, is amended to read as follows:

3 If the names of all the candidates for whom a voter desires to  
 4 vote *in any election other than the primary election* appear upon the  
 5 same ticket, and he desires to vote for all candidates whose names  
 6 appear upon such ticket he may do so in any one of the following  
 7 ways:

1 SEC. 170. Section forty-nine point ninety-nine (49.99), Code  
 2 1973, is amended to read as follows:

3 49.99 **Writing name on ballot.** The voter may also insert in writ-  
 4 ing in the proper place the name of any person for whom he desires  
 5 to vote and place a cross or check in the square opposite thereto.  
 6 The writing of such name *shall constitute a valid vote for the person*  
 7 *whose name has been written on the ballot without making regard to*  
 8 *whether the voter has made a cross or check opposite thereto, or the.*  
 9 *The making of a cross or check in a square opposite a blank without*  
 10 *writing a name therein, shall not affect the validity of the remainder*  
 11 *of the ballot.*

1 SEC. 171. Section forty-nine point one hundred four (49.104),  
 2 Code 1973, is amended by adding the following new subsections:

3 **NEW SUBSECTION.** Any peace officer assigned or called upon to  
 4 keep order or maintain compliance with the provisions of this chap-  
 5 ter, upon request of the commissioner or of the chairman of the pre-  
 6 cinct election board.

7 **NEW SUBSECTION.** One observer representing any nonparty polit-  
 8 ical organization, any candidate nominated by petition pursuant to  
 9 chapter forty-five (45) of the Code, or any other nonpartisan candi-  
 10 date in a city or school election, appearing on the ballot of the election  
 11 in progress.

1 SEC. 172. Section forty-nine point one hundred five (49.105),  
 2 Code 1973, is amended to read as follows:

3 49.105 **Ordering arrest.** Any judge or clerk of election shall order  
 4 the arrest of any person who conducts himself in a noisy, riotous,  
 5 tumultuous or disorderly manner at or about the polls, so as to dis-  
 6 turb the election, or insults or abuses the judges or clerks of election,  
 7 or commits a breach of the peace, or violates any of the provisions of  
 8 this chapter. *If the person so arrested is a qualified elector of the*  
 9 *precinct which that polling place serves, and has not yet voted, he*  
 10 *shall be permitted to do so before being removed from the polling*  
 11 *place.*

1 SEC. 173. Section forty-nine point one hundred seven (49.107),  
 2 subsection one (1), Code 1973, is amended to read as follows:

3 1. Loitering, congregating, electioneering, *posting of signs*, treating  
 4 voters, or soliciting votes, during the receiving of the ballots, *either*

5 on the premises of any polling place or within ~~one~~ three hundred feet  
 6 of any outside door of any building affording access to any room  
 7 where the polls are held, or of any outside door of any building  
 8 affording access to any hallway, corridor, stairway, or other means  
 9 of reaching the room where the polls are held, *except this subsection*  
 10 *shall not apply to the posting of signs on private property not a polling*  
 11 *place.*

1 SEC. 174. Section forty-nine point one hundred thirteen (49.113),  
 2 Code 1973, is amended to read as follows:

3 **49.113 Official neglect or misconduct.** Any public officer upon  
 4 whom a duty is imposed by this chapter, who shall willfully neglect  
 5 to perform such duty, or who shall willfully perform it in such a  
 6 way as to hinder the object thereof, or shall disclose to anyone, except  
 7 as may be ordered by any court of justice *competent jurisdiction*, the  
 8 manner in which any ballot may have been voted, shall be punished  
 9 by a fine of not less than five dollars nor more than one thousand  
 10 dollars, or by imprisonment in the ~~penitentiary~~ *not less than one nor*  
 11 *more than five years county jail for not more than one year*, or by both  
 12 fine and imprisonment.

1 SEC. 175. Section forty-nine point one hundred twenty (49.120),  
 2 Code 1973, is amended to read as follows:

3 **49.120 Promise of position.** It shall be unlawful for any candi-  
 4 date for any office to be voted for at any ~~primary, general, municipal,~~  
 5 ~~or special~~ election, prior to his nomination or election, to promise,  
 6 either directly or indirectly, to support or use his influence in behalf  
 7 of any person or persons for any position, place, or office, or to prom-  
 8 ise directly or indirectly to name or appoint any person or persons to  
 9 any place, position, or office in consideration of any person or persons  
 10 supporting him or using his, her, or their influence in securing his or  
 11 her nomination, election, or appointment.

1 SEC. 176. Section forty-nine point one hundred twenty-one  
 2 (49.121), Code 1973, is amended to read as follows:

3 **49.121 Promise of influence.** It shall be unlawful for any person  
 4 to solicit from any candidate for any office to be voted for at any  
 5 ~~primary, municipal, general, or special~~ election, or any candidate for  
 6 appointment to any public office, prior to his nomination, election, or  
 7 appointment, a promise, directly or indirectly, to support or use his  
 8 or her influence in behalf of any person or persons for any position,  
 9 place, or office, or a promise either directly or indirectly to name or  
 10 appoint any person or persons to any place, position, or office in con-  
 11 sideration of any person or persons supporting him or her, or using  
 12 his, her, or their influence in securing his or her nomination, election,  
 13 or appointment.

1 SEC. 177. Section forty-nine point one hundred twenty-four  
 2 (49.124), Code 1973, is amended to read as follows:

3 **49.124 Training course by ~~auditer~~ commissioner.** It shall be the  
 4 duty of the ~~county auditer~~ *commissioner* to conduct, not less than  
 5 three days before each primary and general election, a training  
 6 course of not more than two hours for all election personnel, *and the*  
 7 *commissioner may do so before any other election he administers.*  
 8 Such personnel shall include judges, clerks, ~~special police, constables,~~

9 and any other persons who will be employed in or around the polling  
10 places on election day. *At least one judge and one clerk who will serve*  
11 *on each precinct election board at the forthcoming election shall*  
12 *attend the training course, and if the entire board does not attend,*  
13 *those members who do attend shall so far as possible be persons who*  
14 *have not previously attended a similar training course.*

1 SEC. 178. Section forty-nine point one hundred twenty-six  
2 (49.126), Code 1973, is amended to read as follows:

3 **49.126 Manual by secretary of state commissioner.** It shall be  
4 the duty of the secretary of state commissioner to provide a training  
5 manual and such additional materials as may be necessary to all  
6 ~~county auditors~~ commissioners for conducting the required training  
7 course ~~by April 15, 1971~~ and to revise the manual from time to time  
8 as may be necessary.

1 SEC. 179. Section forty-nine point one hundred twenty-seven  
2 (49.127), Code 1973, is amended to read as follows:

3 **49.127 Auditor and clerk Commissioner to examine machines.** It  
4 shall be the duty of each ~~county auditor or city or town clerk~~ commis-  
5 sioner to determine that all voting machines are operational and  
6 functioning properly and that all materials necessary for the conduct  
7 of the election are in his possession and are correct. ~~Such auditor or~~  
8 ~~city or town clerk shall verify such facts on the forms provided by~~  
9 ~~the secretary of state and shall send such completed forms by regis-~~  
10 ~~tered mail to the secretary of state not less than forty-eight hours~~  
11 ~~before the election.~~

1 SEC. 180. Section fifty point one (50.1), Code 1973, is amended  
2 to read as follows:

3 **50.1 Canvass by judges.** *At every election conducted under chap-*  
4 *ter forty-nine (49) of the Code, except the primary election provided*  
5 *for by chapter forty-three (43) of the Code, and at every other elec-*  
6 *tion unless the law authorizing the election otherwise requires, the*  
7 *vote shall be canvassed at each polling place by the election board in*  
8 *the manner prescribed by this chapter. When the poll is closed, the*  
9 *judges shall forthwith, and without adjournment:*

- 10 1. Publicly canvass the vote, and credit each candidate with the  
11 number of votes counted for him.
- 12 2. Ascertain the result of the vote.
- 13 3. ~~Compare the poll lists and correct errors therein~~ *Prepare in*  
14 *writing a list of any apparently or possibly erroneous information*  
15 *appearing in the precinct election register.*
- 16 4. Cause each clerk to keep a tally list of the count.

1 SEC. 181. Section fifty point six (50.6), Code 1973, is amended  
2 to read as follows:

3 **50.6 Ballots Votes in excess of poll list voter declarations.** If the  
4 ~~ballots number of votes cast for any office exceed or on any question~~  
5 ~~exceeds the number of the voters in the poll lists voters' declarations~~  
6 ~~of eligibility signed as required by section forty-nine point seventy-~~  
7 ~~seven (49.77) of the Code, such fact shall be certified, with the number~~  
8 ~~of the excess, in the return.~~

1 SEC. 182. Section fifty point seven (50.7), Code 1973, is amended  
2 to read as follows:

3 **50.7 Error on county office—township office.** If, in case of such  
4 excess, the vote of the precinct where the error occurred would  
5 change the result as to a county office if the person appearing to be  
6 elected were deprived of so many votes, then the election shall be  
7 set aside as to him in that precinct, and a new election ordered there-  
8 in; but no person ~~residing in another~~ *who was not a qualified elector*  
9 *in that precinct at the time of the general election shall be allowed*  
10 *to vote at such special election. If the error occurs in relation to a*  
11 *township office, the trustees an office of a city, school district, town-*  
12 *ship, or of any special district whose elections may be conducted*  
13 *under this chapter, the governing body of the political subdivision*  
14 *involved may order a new election or not, in their discretion.*

1 SEC. 183. Section fifty point eight (50.8), Code 1973, is amended  
2 to read as follows:

3 **50.8 Error on state or district office—tie vote.** If the error be  
4 in relation to a district or state office, it shall be certified with the  
5 number of the excess to the state canvassers. If the error affects  
6 the result of the election, the canvass shall be suspended and a new  
7 vote ordered in the precinct where the error occurred. When there is  
8 a tie vote due to such an excess, there shall be a new election. No  
9 person ~~residing in another~~ *who was not a qualified elector in that*  
10 *precinct at the time of the general election shall be allowed to vote*  
11 *at such special election. When the new vote is taken and returned,*  
12 *the canvass shall be completed.*

1 SEC. 184. Section fifty point nine (50.9), Code 1973, is amended  
2 to read as follows:

3 **50.9 Return of ballots not voted.** Ballots not voted, or spoiled by  
4 voters while attempting to vote, shall be returned by the judges of  
5 election to the ~~officer or authorities charged with their printing and~~  
6 ~~distribution~~ *commissioner*, and a receipt taken therefor, and they  
7 shall be preserved for six months.

1 SEC. 185. Section fifty point ten (50.10), Code 1973, is amended  
2 by striking the section and inserting in lieu thereof the following:

3 **50.10 Record of ballots returned.** The commissioner shall enter  
4 on the record maintained as required by section forty-nine point  
5 sixty-five (49.65) of the Code a notation of the number and character  
6 of the ballots returned from each precinct, and the time when and  
7 the person by whom they are returned.

1 SEC. 186. Section fifty point eleven (50.11), Code 1973, is  
2 amended to read as follows:

3 **50.11 Proclamation of result.** When the canvass is completed  
4 one of the judges shall publicly announce the total number of votes  
5 received by each of the persons voted for, the office for which he is  
6 designated, as announced by the clerks, and the number of votes  
7 for, and the number of votes against, any proposition which shall  
8 have been submitted to a vote of the people, and he shall communi-  
9 cate said information by telephone or telegraph or in person to the  
10 *county auditor of the county in which said polling place is located*  
11 *commissioner who is conducting the election immediately upon com-*

12 pletion of the canvass; and the ~~county auditor~~ *commissioner* shall  
13 remain on duty until such information is communicated to him from  
14 each polling place in his county.

1 SEC. 187. Section fifty point twelve (50.12), Code 1973, is  
2 amended to read as follows:

3 50.12 **Return and preservation of ballots.** Immediately after  
4 making such proclamation, and before separating, the judges of each  
5 *precinct in which votes have been received by paper ballot* shall fold  
6 in two folds, and string closely upon a single piece of flexible wire,  
7 all ballots which have been counted by them, except those endorsed  
8 "Rejected as double", "Defective", or "Objected to", unite the ends  
9 of such wire in a firm knot, seal the knot in such a manner that it  
10 cannot be untied without breaking the seal, enclose the ballots so  
11 strung in an envelope, and securely seal such envelope. The judges  
12 shall ~~at once~~ return all the ballots to the ~~officer from whom they were~~  
13 *received commissioner*, who shall carefully preserve them for six  
14 months.

1 SEC. 188. Section fifty point thirteen (50.13), Code 1973, is  
2 amended to read as follows:

3 50.13 **Destruction of general election ballots.** If at the expira-  
4 tion of six months no contest is pending, the ~~officer having the ballots~~  
5 *in eustody commissioner*, without opening the package in which they  
6 have been enclosed, shall destroy the same ~~by burning~~, in the presence  
7 of two electors, one from each of the two leading political parties,  
8 who shall be designated by the chairman of the board of supervisors,  
9 ~~or, in municipal elections, by the mayor of the city or town.~~

1 SEC. 189. Section fifty point sixteen (50.16), Code 1973, is  
2 amended to read as follows:

3 50.16 **Tally list of board.** The tally list shall be made in each  
4 ~~pollbook prepared in writing by the election board~~, giving, in legibly  
5 printed numerals, the whole number of ballots cast for each officer,  
6 except those rejected, the name of each person voted for, and the  
7 number of votes given to each person for each different office; which  
8 tally list shall be signed by the judges, and be substantially as follows:

9 At an election at ..... in ..... township, or in .....  
10 precinct of ..... *city or township*, in ..... county, state of  
11 Iowa, on the ..... day of ..... A.D. ...., there were  
12 ..... ballots cast for the office of ..... of which

13 A..... B..... had ..... votes.

14 C..... D..... had ..... votes.

15 (and in the same manner for any other officer).

16 A true tally list:

17 L..... M..... }  
18 N..... O..... } Judges of Election  
19 P..... Q..... }  
20 Attest: R..... S..... }  
21 T..... U..... } Clerks of Election.

1 SEC. 190. Section fifty point seventeen (50.17), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **50.17 Return of election register.** The precinct election register  
 5 prepared for each election, together with the ballots to be returned  
 6 pursuant to section fifty point twelve (50.12) of the Code, if any, and  
 7 the signed and attested tally list, shall be delivered to the commis-  
 8 sioner by one of the precinct judges of election within two days after  
 9 the day of the election.

1 SEC. 191. Section fifty point nineteen (50.19), Code 1973, is  
 2 amended to read as follows:

3 **50.19 Preservation of books—when destroyed.** The receiving offi-  
 4 ~~cer~~ commissioner shall file said books precinct election registers, and  
 5 the registry books and lists and other papers pertaining to registra-  
 6 tion, together with the affidavits of eligibility signed by voters at the  
 7 election, in his office, and preserve the same for ~~three~~ four years and  
 8 until the determination of any contest then pending, after which they  
 9 shall be destroyed.

1 SEC. 192. Section fifty point twenty-three (50.23), Code 1973, is  
 2 amended to read as follows:

3 **50.23 Messengers for missing tally lists.** The county auditor  
 4 commissioner shall, on the fourth day following an election, send  
 5 messengers for all tally lists not then received by him. The expense  
 6 of securing such tally lists shall be paid by the county.

1 SEC. 193. Section fifty point twenty-four (50.24), Code 1973, is  
 2 amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **50.24 Canvass by board of supervisors.** The county board of  
 5 supervisors shall meet at nine o'clock on the morning of the first  
 6 Monday after the day of each election to which this chapter is appli-  
 7 cable, unless the law authorizing the election specifies another date  
 8 for the canvass, and shall open and canvass the tally lists. The board  
 9 shall prepare abstracts stating, in words written at length, the num-  
 10 ber of votes cast in the county, or in that portion of the county in  
 11 which the election was held, for each office or on each question on  
 12 the ballot for the election. The abstract shall further indicate the  
 13 name of each person who received votes for each office on the ballot,  
 14 and the number of votes each person named received for that office,  
 15 and the number of votes for and against each question submitted to  
 16 the voters at the election.

1 SEC. 194. Section fifty point twenty-five (50.25), Code 1973, as  
 2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,  
 3 House File two hundred nine (209), section thirteen (13), is  
 4 amended to read as follows:

5 **50.25 Abstract of votes in the general election.** ~~The~~ At the can-  
 6 ~~vass of the general election,~~ the abstract of the votes for each of the  
 7 following classes shall be made on a different sheet:

- 8 1. President and vice-president of the United States.
- 9 2. Senator in the Congress of the United States.
- 10 3. Representative in the Congress of the United States.
- 11 4. Governor and lieutenant governor.
- 12 5. A state officer not otherwise provided for.
- 13 6. Senator or representative in the general assembly by districts.
- 14 7. A county officer.

1 SEC. 195. Section fifty point twenty-six (50.26), Code 1973, is  
2 amended to read as follows:

3 **50.26 Duplicate abstracts.** All abstracts of votes *cast in the gen-*  
4 *eral election*, except the abstracts of votes for county officers, shall  
5 be made in duplicate, and signed by the board of county canvassers.  
6 One of said abstracts shall be forwarded to the ~~secretary~~ of state  
7 ~~commissioner~~, and the other filed by the ~~county auditor~~ commissioner.

1 SEC. 196. Section fifty point twenty-seven (50.27), Code 1973, is  
2 amended to read as follows:

3 **50.27 Declaration of election.** Each abstract of the votes for such  
4 officers as the county alone elects *at the general election*, except dis-  
5 trict judges and senators and representatives in the general assem-  
6 bly, *or of the votes for officers of political subdivisions whose elec-*  
7 *tions are conducted by the commissioner*, shall contain a declaration  
8 of whom the canvassers determine to be elected.

1 SEC. 197. Section fifty point twenty-eight (50.28), Code 1973, is  
2 amended to read as follows:

3 **50.28 Tally lists filed.** When the canvass is concluded, the board  
4 shall deliver the original tally lists to the ~~auditor~~ commissioner, who  
5 shall file the same, and record each of the abstracts above mentioned  
6 in the election book.

1 SEC. 198. Section fifty point twenty-nine (50.29), Code 1973, is  
2 amended to read as follows:

3 **50.29 Certificate of election.** When any person is thus declared  
4 elected, there shall be delivered to him a certificate of election, under  
5 the official seal of the county, in substance as follows:

6 STATE OF IOWA }  
7 ..... County. }

8 At an election holden in said county on the ..... day of  
9 ....., A.D. .... A..... B..... was elected to the office of  
10 ..... of the said county for the term of ..... years from the  
11 ..... day of ....., A.D. .... (or if he was elected to  
12 fill a vacancy, say for the residue of the term ending on the .....  
13 day of ....., A.D. ...., and until his successor is elected  
14 and qualified.

15 C..... D.....,  
16 President of Board of Canvassers.

17 Witness, E..... F.....,

18 County ~~Auditor~~ Commissioner of Elections (clerk).

19 Such certificate shall be presumptive evidence of his election and  
20 qualification.

1 SEC. 199. Section fifty point thirty (50.30), unnumbered para-  
2 graph one (1), Code 1973, as amended by Acts of the Sixty-fifth Gen-  
3 eral Assembly, 1973 Session, House File two hundred nine (209),  
4 section fourteen (14), is amended to read as follows:

5 The ~~auditor~~ commissioner shall, within ten days after the election,  
6 forward to the ~~secretary~~ of state commissioner, in separate, securely  
7 sealed envelopes, one of the said duplicate abstracts of votes for each  
8 of the following offices:

1 SEC. 200. Section fifty point thirty-two (50.32), Code 1973, is  
2 amended to read as follows:

3 **50.32 Endorsement on other envelopes.** Said remaining enve-  
4 lopes shall be endorsed substantially in the manner provided in sec-  
5 tion 50.31, with changes necessary to indicate the particular office,  
6 and each shall be addressed, "To the Secretary of State *Commissioner*  
7 *of Elections*".

1 SEC. 201. Section fifty point thirty-three (50.33), Code 1973, is  
2 amended to read as follows:

3 **50.33 Forwarding of envelopes.** Said envelopes, including the one  
4 addressed to the speaker, after being prepared, sealed, and endorsed  
5 as aforesaid, shall be placed in one package and forwarded to the  
6 secretary of state *commissioner*.

1 SEC. 202. Section fifty point thirty-four (50.34), Code 1973, is  
2 amended to read as follows:

3 **50.34 Missing abstracts.** If the abstracts from any county are  
4 not received at the office of the secretary of state *commissioner* within  
5 fifteen days after the day of election, he shall send a messenger to the  
6 ~~auditor~~ *commissioner* of such county, who shall furnish him with  
7 them, or, if they have been sent, with a copy thereof, and he shall  
8 return them to the secretary *state commissioner* without delay.

1 SEC. 203. Section fifty point thirty-five (50.35), Code 1973, is  
2 amended to read as follows:

3 **50.35 Abstracts on governor.** The envelopes containing the ab-  
4 stracts of votes for governor and lieutenant governor shall not be  
5 opened by the secretary of state *commissioner*, but he shall securely  
6 preserve the same and deliver them to the speaker of the house of  
7 representatives at the time said abstracts are canvassed as provided  
8 by law.

1 SEC. 204. Section fifty point thirty-six (50.36), Code 1973, is  
2 amended to read as follows:

3 **50.36 Envelopes containing other abstracts.** All other envelopes  
4 containing abstracts of votes shall be kept by the secretary of state  
5 *commissioner*, unopened, until the time fixed by law for the canvass of  
6 such abstracts, and they shall then be opened only in the presence of  
7 the state board of canvassers.

1 SEC. 205. Section fifty point thirty-seven (50.37), Code 1973, is  
2 amended to read as follows:

3 **50.37 State canvassing board.** The executive council shall consti-  
4 tute a board of canvassers of all abstracts of votes required to be filed  
5 with the secretary of state *commissioner*, except for the offices of  
6 governor and lieutenant governor. No member of such board shall  
7 take part in canvassing the votes for an office for which he is a can-  
8 didate.

1 SEC. 206. Section fifty point forty (50.40), Code 1973, is amended  
2 to read as follows:

3 **50.40 Record of canvass.** The secretary of state *commissioner*  
4 shall file the abstracts when received and shall have the same bound  
5 in book form to be kept by him as a record of the result of said state  
6 election, to be known as the state election book.

1 SEC. 207. Section fifty point forty-two (50.42), Code 1973, is  
2 amended to read as follows:

3 **50.42 Certificates mailed.** The ~~secretary of state~~ *commissioner*  
4 shall deliver or mail certificates of election to the persons declared  
5 elected.

1 SEC. 208. Section fifty point forty-six (50.46), Code 1973, is  
2 amended to read as follows:

3 **50.46 Special elections—canvass and certificate.** ~~In case~~ *When* a  
4 special election has been held *to fill a vacancy, pursuant to section*  
5 *sixty-nine point fourteen (69.14) of the Code*, the board of county  
6 canvassers shall meet at one o'clock in the afternoon of the second  
7 day thereafter, and canvass the votes cast thereat. The ~~county auditor~~  
8 *commissioner*, as soon as the canvass is completed, shall transmit to  
9 the ~~secretary of state~~ *commissioner* an abstract of the votes so can-  
10 vassed, and the state board, within five days after receiving such  
11 abstracts, shall canvass the tally lists. A certificate of election shall  
12 be issued by the county or state board of canvassers, as in other cases.  
13 All the provisions regulating elections, obtaining tally lists, and can-  
14 vass of votes at general elections, except as to time, shall apply to  
15 special elections.

1 SEC. 209. Section fifty-one point one (51.1), Code 1973, is  
2 amended to read as follows:

3 **51.1 Election counting board.** In all election precincts the board  
4 of supervisors may *authorize the commissioner* to appoint for each  
5 primary and general election three additional judges and two addi-  
6 tional clerks to be known as the election counting board.

1 SEC. 210. Section fifty-one point two (51.2), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **51.2 Appointment.** The members of the election counting board  
5 shall be appointed by the commissioner from the election board panel  
6 drawn up as provided by section forty-nine point fifteen (49.15) of  
7 the Code. The requirements of section forty-nine point thirteen  
8 (49.13) of the Code, relative to political party affiliation of members  
9 of the election board appointed to serve for partisan elections shall  
10 apply to the membership of the election counting board.

1 SEC. 211. Section fifty-one point three (51.3), Code 1973, is  
2 amended to read as follows:

3 **51.3 "Receiving" and "counting" boards defined.** The judges and  
4 clerks of election as provided in ~~existing law chapter forty-nine (49)~~  
5 *of the Code* shall be known as the receiving board and it shall be their  
6 duty to supervise the casting of ballots at said election, and the judges  
7 and clerks provided for in sections 51.1 and 51.2 shall be known as the  
8 counting board.

1 SEC. 212. Section fifty-one point four (51.4), Code 1973, is  
2 amended to read as follows:

3 **51.4 ~~Selection of counting board—duties~~ *Duties of receiving board.***  
4 ~~The counting board shall be chosen from the two political parties cast-~~  
5 ~~ing the highest number of votes at the last general election. Not more~~  
6 ~~than two judges nor more than one clerk shall belong to the same~~

7 political organization, provided that two of such judges shall be  
 8 chosen from the political party casting the highest number of votes  
 9 at the last preceding general election. The receiving board shall per-  
 10 form all the functions of judges and clerks of election as now pro-  
 11 vided by law except as to counting and certifying the vote as by this  
 12 chapter provided.

1 SEC. 213. Section fifty-one point five (51.5), unnumbered para-  
 2 graph one (1), Code 1973, is amended to read as follows:

3 All judges and clerks shall take an oath as now provided in existing  
 4 law section forty-nine point seventy-five (49.75) of the Code, for  
 5 judges of election and in addition to such oath the counting board  
 6 shall take the following oath:

1 SEC. 214. Section fifty-one point seven (51.7), Code 1973, is  
 2 amended to read as follows:

3 **51.7 Duties of double boards.** The counting boards shall proceed  
 4 to the respective voting places to which they have been appointed,  
 5 at one o'clock p.m., or in any precinct in which the board of super-  
 6 visors commissioner shall deem it necessary, at such earlier hour after  
 7 nine o'clock a.m., as such board of supervisors the commissioner may  
 8 direct, and shall take charge of the ballot box containing the ballots  
 9 already cast in that precinct. It shall retire to a partitioned space or  
 10 room provided for that purpose and there proceed to count and tabu-  
 11 late the ballots as it shall find them deposited in the ballot box. The  
 12 receiving board shall continue to receive the votes of electors in the  
 13 other box provided, until such time as the counting board shall have  
 14 finished counting and tabulating the ballots cast in the first ballot box.  
 15 The two boards shall then exchange the first box for the second box  
 16 and so continue until they have counted and tabulated all the votes  
 17 cast on that election day. When the hour arrives for closing the polls,  
 18 the receiving board shall certify to all matters pertaining to casting  
 19 of ballots and shall then unite with the counting board in the count-  
 20 ing of ballots. The judges shall then divide the ballots not counted  
 21 and each group of judges and clerks shall proceed to canvass their  
 22 portion of the same. When the canvass has been completed the judges  
 23 and clerks shall report the result of their canvass by telephone or  
 24 telegraph or in person to the county auditor of the county in which  
 25 said voting place is located immediately after completion thereof,  
 26 which report shall be incorporated in the returns manner provided by  
 27 law section fifty point eleven (50.11) of the Code.

1 SEC. 215. Section fifty-one point eight (51.8), Code 1973, is  
 2 amended to read as follows:

3 **51.8 Ballot boxes.** It shall be the duty of the board of supervisors  
 4 commissioner to provide the judges of election with such ballot boxes  
 5 and other election supplies as may be required to be furnished in  
 6 duplicate to accomplish the purpose of this chapter.

1 SEC. 216. Section fifty-one point nine (51.9), Code 1973, is  
 2 amended to read as follows:

3 **51.9 Manner of counting.** Whenever the counting board receives  
 4 from the receiving board the ballot box, they shall also be furnished a  
 5 statement from the receiving board giving the number of votes as  
 6 shown by the pollbooks voters' declarations of eligibility signed up to

7 that time, which shall equal the number of votes in the ballot box.  
 8 The counting board shall on opening the ballot box first count the  
 9 ballots therein. If the number of ballots found in the ballot box  
 10 exceeds the number as shown by the statement received from the  
 11 receiving board the counting judges shall proceed to examine the  
 12 official endorsement of said ballots, and, if any ballots are found that  
 13 do not bear proper official endorsement, said ballots shall be kept  
 14 separate and a record of such ballots shall be made and returned  
 15 under the head of excess ballots. The counting board shall then pro-  
 16 ceed to count the ballots as now provided by law.

1 SEC. 217. Section fifty-one point twelve (51.12), Code 1973, is  
 2 amended to read as follows:

3 **51.12 Counting quarters—guarding ballots.** ~~Boards of super-~~  
 4 ~~visors~~ *The commissioner* shall provide suitable places for the count-  
 5 ing of ballots, but when it becomes necessary to remove the ballot box  
 6 from one room to another, or from one building to another, and at  
 7 all times when they are in possession of the counting board, they shall  
 8 be under constant observation of at least ~~two counting judges~~ *one*  
 9 *counting judge from each political party.*

1 SEC. 218. Section fifty-one point thirteen (51.13), Code 1973, is  
 2 amended to read as follows:

3 **51.13 Certification of count—returns.** Both boards shall certify  
 4 to all matters pertaining to counting and canvassing of votes and  
 5 shall return ~~pollbooks~~ *all materials* and ballots to the ~~county auditor~~  
 6 *commissioner* as provided by law.

1 SEC. 219. Section fifty-one point fifteen (51.15), Code 1973, is  
 2 amended to read as follows:

3 **51.15 Applicability of law.** This chapter shall apply to all general  
 4 and primary elections, but shall not apply to ~~school elections or town~~  
 5 ~~elections,~~ or where voting machines are used.

1 SEC. 220. Section fifty-two point one (52.1), Code 1973, is  
 2 amended to read as follows:

3 **52.1 Use of voting machines.** At all ~~state, county, city, town,~~  
 4 ~~primary, and township~~ elections held in the state, ~~ballots or~~ *conducted*  
 5 *under chapter forty-nine (49) of the Code, and at any other election*  
 6 *unless specifically prohibited by the statute authorizing the election,*  
 7 votes may be cast, registered, recorded, and counted by means of  
 8 voting machines, as hereinafter provided.

1 SEC. 221. Section fifty-two point two (52.2), Code 1973, is  
 2 amended to read as follows:

3 **52.2 Purchase.** The board of supervisors of any county, ~~or the~~  
 4 ~~council of any incorporated city or town in the state~~ may, by a major-  
 5 ity vote, authorize, purchase, and order the use of voting machines in  
 6 any one or more voting precincts within said county, ~~city, or town,~~  
 7 until otherwise ordered by said board of supervisors ~~or city or town~~  
 8 ~~council.~~

1 SEC. 222. Section fifty-two point three (52.3), Code 1973, is  
 2 amended to read as follows:

3 **52.3 Terms of purchase—tax levy.** The ~~local authorities~~ *county*  
 4 *board of supervisors,* on the adoption and purchase of a voting ma-

5 chine, may provide for the payment therefor in such manner as they  
 6 may deem for the best interest of the ~~locality~~ county, and may for that  
 7 purpose issue bonds, certificates of indebtedness, or other obligations,  
 8 which shall be a charge on the county, city, ~~or town~~, or levy not to  
 9 exceed one-half mill; ~~and any~~. Any amounts so levied and collected  
 10 in excess of actual costs of voting machines shall revert to the general  
 11 fund of the county, city, ~~or town~~ concerned. In the case of a city ~~or~~  
 12 town, any such funds collected under this section shall be held in a  
 13 separate account in the municipal enterprises fund and shall be used  
 14 for no other purpose than the purchase of voting machines. Such  
 15 bonds, certificates, or other obligations may be issued with or without  
 16 interest, payable at such time or times as the ~~authorities~~ county board  
 17 may determine, but shall not be issued or sold at less than par.

1 SEC. 223. Section fifty-two point eight (52.8), Code 1973, is  
 2 amended to read as follows:

3 52.8 Experimental use. The board of supervisors of any county  
 4 ~~or the council of any city or town~~ may provide for the experimental  
 5 use at an election in one or more districts, of a machine which it  
 6 might lawfully adopt, without a formal adoption thereof; and its use  
 7 at such election shall be as valid for all purposes as if it had been  
 8 lawfully adopted.

1 SEC. 224. Section fifty-two point nine (52.9), unnumbered para-  
 2 graphs one (1) and two (2), Code 1973, are amended to read as fol-  
 3 lows:

4 The local authorities adopting a voting commissioner having juris-  
 5 diction of any precinct for which the board of supervisors has adopted  
 6 voting by machine shall, as soon as practicable thereafter, provide for  
 7 each the precinct polling place one or more voting machines in com-  
 8 plete working order, and shall thereafter keep them in repair, and  
 9 shall have the custody thereof and of the furniture and equipment of  
 10 the polling place when not in use at an election. If it shall be im-  
 11 practicable to supply each and every election district precinct for  
 12 which machine voting has been adopted with a voting machine or  
 13 voting machines at any election following such adoption, as many may  
 14 be supplied as it is practicable to procure, and the same may be used  
 15 in such election district ~~or districts~~ within the county, city, ~~or town~~  
 16 precincts as the officers adopting the same commissioner may direct.

17 It shall be the duty of the county auditor ~~or the city clerk or their~~  
 18 commissioner or his duly authorized agents when so requested by the  
 19 county chairman of one of the political parties referred to in section  
 20 forty-nine point thirteen (49.13) of the Code, to examine and test the  
 21 voting machines to be used at any election not less than twelve hours  
 22 before the opening of the polls on the morning of the election. ~~to~~  
 23 examine and test said machines. The If voting machines are to be so  
 24 examined and tested, the chairman of each political party shall be  
 25 notified in writing of the time said machines shall be examined and  
 26 tested so that they may be present, or have a representative present.  
 27 Those present for the examination and testing shall sign a certificate  
 28 which shall read substantially as follows:

1 SEC. 225. Section fifty-two point eleven (52.11), Code 1973, is  
 2 amended to read as follows:

3     **52.11 Locking of unused party row.** At all general elections the  
4 ~~officer commissioner in charge of~~ preparing the ballot upon every  
5 voting machine shall cause the party row next underneath the names  
6 of the Republican candidates, and also the party row underneath the  
7 names of the Democratic candidates, to be locked and left blank  
8 except when more than ~~seven~~ *five* political parties have nominated  
9 candidates whose names are entitled to be placed on the official ballot.

1     SEC. 226. Section fifty-two point thirteen (52.13), Code 1973, is  
2 amended to read as follows:

3     **52.13 Sample ballots.** ~~The officers or board charged with the duty~~  
4 ~~of providing ballots for any polling place~~ *commissioner* shall provide  
5 ~~therefor for each precinct polling place at which votes are to be cast~~  
6 *by machine* two sample ballots, which shall be arranged in the form  
7 of a diagram showing the entire front of the voting machine as it will  
8 appear after the official ballots are arranged for voting on election  
9 day. Such sample ballots shall be open to public inspection at such  
10 polling place during the day of election and the day next preceding  
11 election day.

1     SEC. 227. Section fifty-two point fifteen (52.15), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4     **52.15 Delivery of ballots and supplies.** The voting machine bal-  
5 lots and other necessary supplies shall be delivered to the election  
6 judges of each precinct in which votes are to be cast by machine at  
7 the time required by section forty-nine point fifty-five (49.55) of the  
8 Code.

1     SEC. 228. Section fifty-two point sixteen (52.16), Code 1973, is  
2 amended to read as follows:

3     **52.16 Duties of election officers—~~independent~~ ballots.** ~~The judges~~  
4 ~~of election and clerks~~ *election board* of each precinct *in which votes*  
5 *are to be cast by machine* shall meet at the *precinct* polling place  
6 ~~therein, at least three-quarters of an one hour before the time set for~~  
7 the opening of the polls at each election, and shall proceed to arrange  
8 within the guardrail the furniture, stationery, and voting machine  
9 for the conduct of the election. ~~The judges of election shall then and~~  
10 ~~there have the voting machine, ballots, and stationery required to be~~  
11 ~~delivered to them for such election; and, if it be an election at which~~  
12 ~~registered voters only can vote, the registry of such electors required~~  
13 ~~to be made and kept therefor.~~ The judges shall ~~thereupon~~ cause at  
14 least two instruction cards to be posted conspicuously within the poll-  
15 ing place. If not previously done, they shall arrange, in their proper  
16 place on the voting machine, the ballots containing the names of the  
17 offices to be filled at such election, and the names of the candidates  
18 nominated therefor. If not previously done, the machine shall be so  
19 arranged as to show that no vote has been cast, and the same shall  
20 not be thereafter operated, except by electors in voting. Before the  
21 polls are open for election, each judge shall carefully examine every  
22 machine and see that no vote has been cast, and the same shall be  
23 subject to inspection of the election officers. Ballots voted for any  
24 person whose name does not appear on the machine as a nominated  
25 candidate for office, are herein referred to as independent ballots.

26 When two or more persons are to be elected to the same office, and  
 27 the machine requires that all independent ballots voted for that office  
 28 be deposited in a single receptacle or device, an elector may vote in  
 29 or by such receptacle or device for one or more persons whose names  
 30 do not appear upon the machine with or without the names of one or  
 31 more persons whose names do so appear. With that exception, and  
 32 except for presidential electors, no independent ballot shall be voted  
 33 for any person for any office whose name appears on the machine as  
 34 a nominated candidate for that office; any independent ballot so voted  
 35 shall not be counted. An independent ballot must be cast in its appro-  
 36 priate place on the machine, or it shall be void and not counted.

1 SEC. 229. Section fifty-two point twenty-one (52.21), last unnum-  
 2 bered paragraph, Code 1973, is amended to read as follows:

3 After the canvass has been completed ~~said the judges and clerks~~  
 4 shall immediately ~~communicate the result thereof by telephone or~~  
 5 ~~telegraph or in person to the county auditor of the county in which~~  
 6 ~~said polling place is located report the result of the canvass in the~~  
 7 ~~manner provided by section fifty point eleven (50.11) of the Code.~~

1 SEC. 230. Section fifty-two point twenty-two (52.22), Code 1973,  
 2 unnumbered paragraph one (1) is amended to read as follows:

3 The judges of election shall, as soon as the count is completed and  
 4 fully ascertained as in this chapter required, lock the machine  
 5 against voting, and it shall so remain until thirty days after the pro-  
 6 clamation of the results of said election, except that it shall remain  
 7 locked only ten days after a primary election, including a city pri-  
 8 mary election, if such election is not contested. *However, if the ma-*  
 9 *chines in any precinct are so constructed as to deliver, immediately*  
 10 *upon conclusion of the voting at any election, multiple copies of a*  
 11 *printed record of the votes cast and the totals for each candidate or*  
 12 *question appearing on the face of the machine, the machines may*  
 13 *be unlocked upon expiration of the time for requesting a recount of*  
 14 *votes in a primary election or for contesting any other election, unless*  
 15 *the precinct election board informs the commissioner that the printed*  
 16 *record produced by the machine is smeared, torn or otherwise*  
 17 *unreadable. In the latter case, the machines shall be kept locked for*  
 18 *the period of time prescribed for machines which do not print such*  
 19 *a record.*

1 SEC. 231. Section fifty-two point twenty-three (52.23), Code  
 2 1973, is amended to read as follows:

3 **52.23 Written statements of election.** After the total vote for  
 4 each candidate has been ascertained, and before leaving the room or  
 5 voting place, the judges shall make and sign the canvass forms re-  
 6 ferred to in section 52.21, which canvass shall serve as a written  
 7 statement of election. Said canvass statement shall be in lieu of the  
 8 tally list required in section 50.16 ~~where permanent registration is~~  
 9 ~~in effect, except that the registration books shall be preserved and~~  
 10 ~~returned with said certificate of election officials and canvass.~~

1 SEC. 232. Section fifty-two point twenty-four (52.24), Code 1973,  
 2 is amended to read as follows:

3 **52.24 What statutes apply—separate ballots.** All of the provi-  
 4 sions of the election law ~~now in force and~~ not inconsistent with the

5 provisions of this chapter shall apply with full force to all counties,  
6 cities, and towns adopting the use of voting machines. Nothing in  
7 this chapter shall be construed as prohibiting the use of a separate  
8 ballot for public measures.

1 SEC. 233. Section fifty-two point twenty-five (52.25), Code 1973,  
2 is amended to read as follows:

3 **52.25 Summary of amendment or public measure.** The question  
4 of a constitutional convention, amendments and public measures in-  
5 cluding bond issues may be voted on the voting machines in the fol-  
6 lowing manner:

7 The entire convention question, amendment or public measure  
8 shall be printed and displayed prominently in at least two places  
9 within the voting precinct and on the left-hand side inside the cur-  
10 tain of each voting machine, said printing to be in conformity with  
11 the provisions of chapter 49. The public measure shall be summar-  
12 ized by the auditor or city clerk and in the largest type possible  
13 printed on the inserts used in said voting machines, except in the  
14 case of the question of a constitutional convention, or of an amend-  
15 ment or measure to be voted on in more than one county, the sum-  
16 mary to be placed in the voting machine inserts shall be worded by  
17 the ~~secretary~~ of state *commissioner of elections as required by section*  
18 *forty-nine point forty-four (49.44) of the Code and said summary*  
19 *shall be used in each county.*

20 ~~Any portion of sections 49.43 to 49.47 in conflict herewith is hereby~~  
21 ~~declared inapplicable to those counties which have adopted voting~~  
22 ~~machines and follow the procedure of this section.~~

1 SEC. 234. Section fifty-three point one (53.1), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **53.1 Right to vote—conditions.** Any qualified elector may, sub-  
5 ject to the provisions of this chapter, vote at any election:

6 1. When he expects to be absent on election day during the time  
7 the polls are open from the precinct in which he is a qualified elector.

8 2. When, through illness or physical disability, he expects to be  
9 prevented from going to the polls and voting on election day.

1 SEC. 235. Section fifty-three point two (53.2), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **53.2 Application for ballot.** Any qualified elector, under the cir-  
5 cumstances specified in section fifty-three point one (53.1) of the  
6 Code, may on any day, except election day, and not more than sev-  
7 enty days prior to the date of the election, make written application  
8 to the commissioner for an absentee ballot.

9 Nothing in this section shall be construed to require that a written  
10 communication mailed to the commissioner's office to request an absen-  
11 tee ballot, or any other document except the absent voter's affidavit  
12 required by section fifty-three point thirteen (53.13) of the Code,  
13 be notarized as a prerequisite to receiving or marking an absentee  
14 ballot or returning to the commissioner an absentee ballot which has  
15 been voted.

16 Each application shall contain the name of the qualified elector,

17 the address at which he is qualified to vote, and the name or date of  
 18 the election for which the absentee ballot is requested, and such other  
 19 information as may be necessary to determine the correct absentee  
 20 ballot for the qualified elector. If insufficient information has been  
 21 provided, the commissioner shall, by the best means available, obtain  
 22 the additional necessary information.

1 SEC. 236. Section fifty-three point seven (53.7), Code 1973, is  
 2 amended to read as follows:

3 **53.7 Penalty.** It shall be unlawful for any employee of the state  
 4 or any political subdivision thereof to solicit any application or re-  
 5 quest for application for an absentee ballot, or to ~~administer an oath~~  
 6 ~~or~~ take an affidavit in connection with any absentee ballot. However,  
 7 any such employee may ~~administer such oath and~~ take such affidavit  
 8 in connection with an absentee ballot which is cast by the ~~voter~~  
 9 *qualified elector* in person in the office where such employee is em-  
 10 ployed in accordance with section 53.11. This section shall not apply  
 11 to any elected official.

12 ~~Wherever used in this chapter the words "absentee ballot" include~~  
 13 ~~any ballot authorized by this chapter.~~

1 SEC. 237. Section fifty-three point eight (53.8), Code 1973, is  
 2 amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **53.8 Ballot mailed.** Upon receipt of an application for an absen-  
 5 tee ballot and immediately after the absentee ballots are printed, it  
 6 shall be the duty of the commissioner to mail an absentee ballot to  
 7 the applicant within twenty-four hours. The absentee ballot shall  
 8 be enclosed in an unsealed envelope bearing a serial number and affi-  
 9 davit. The absentee ballot and unsealed envelope shall be enclosed in  
 10 a carrier envelope which bears the same serial number as the unsealed  
 11 envelope. The absentee ballot, unsealed envelope, and carrier envelope  
 12 shall be enclosed in a third envelope to be sent to the qualified elector.

13 If an application is received so late that it is unlikely that the  
 14 absentee ballot can be returned in time to be counted on election day,  
 15 the commissioner shall enclose with the absentee ballot a statement  
 16 to that effect. The statement shall also point out that it is possible  
 17 for the applicant to personally deliver his completed absentee ballot  
 18 to the office of the commissioner at any time before eight o'clock p.m.  
 19 on election day.

1 SEC. 238. Section fifty-three point eleven (53.11), Code 1973, is  
 2 amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **53.11 Personal delivery of absentee ballot.** The commissioner  
 5 shall deliver an absentee ballot to any qualified elector applying in  
 6 person at his office not more than forty days before the date of the  
 7 general election and the primary election, and for all other elections,  
 8 as soon as the ballot is available. The qualified elector shall imme-  
 9 diately mark the ballot, enclose it in a ballot envelope with proper  
 10 affidavit, and return the absentee ballot to the commissioner. The  
 11 commissioner shall record the numbers appearing on the application  
 12 and ballot envelope along with the name of the qualified elector.

1 SEC. 239. Section fifty-three point twelve (53.12), Code 1973, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **53.12 Duty of commissioner.** The commissioner shall enclose  
5 the absentee ballot in an unsealed envelope, to be furnished by him,  
6 which envelope shall bear upon its face the words "county commis-  
7 sioner of elections", the address of his office, and the same serial num-  
8 ber appearing on the unsealed envelope shall be affixed to the applica-  
9 tion. The seal of the officer notarizing the affidavit shall, if possible,  
10 be placed on the affidavit envelope in such a manner that the ballot  
11 will not be marked by the seal, however, if the officer's seal makes an  
12 imprint on the ballot that marking shall not invalidate the ballot.

1 SEC. 240. Section fifty-three point fifteen (53.15), Code 1973, is  
2 amended to read as follows:

3 **53.15 Marking ballot.** The ~~voter~~ *qualified elector*, on receipt of  
4 ~~said ballot or ballots~~ *an absentee ballot*, shall, in the presence of the  
5 officer ~~administering the oath~~ *notarizing the affidavit* ~~and of no other~~  
6 ~~person~~, mark such ballot ~~or ballots~~, but in such manner that such  
7 officer will not know how such ballot is marked.

8 *Qualified electors who are blind, cannot read, or because of any*  
9 *other physical disability, are unable to mark their own absentee*  
10 *ballot, may have the assistance of any person the qualified elector*  
11 *may select.*

1 SEC. 241. Section fifty-three point seventeen (53.17), Code 1973,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **53.17 Mailing or delivering ballot—balloting by confined persons.**  
5 The sealed envelope containing the absentee ballot shall be enclosed  
6 in a carrier envelope which shall be securely sealed. The sealed car-  
7 rier envelope shall be delivered by the qualified elector or his des-  
8 ignee to the commissioner or a deputy in his office, or mailed, post-  
9 age paid, to the office of the commissioner. The carrier envelope  
10 shall be received by the commissioner until eight o'clock p.m. on elec-  
11 tion day.

12 An applicant who is a resident or patient in a health care facility  
13 or hospital shall have his absentee ballot delivered to him by one  
14 member of each of the political parties referred to in section forty-  
15 nine point thirteen (49.13) of the Code, who shall be appointed by  
16 the commissioner from the panel drawn up as provided by section  
17 forty-nine point fifteen (49.15) of the Code for the special precinct  
18 established by section fifty-three point twenty-three (53.23) of the  
19 Code. The persons so appointed by the commissioner shall be no-  
20 taries public and shall be sworn in the manner provided by section  
21 forty-nine point seventy-five (49.75) of the Code for election board  
22 members. They may assist the qualified electors in filling out the  
23 ballot as provided in section forty-nine point ninety (49.90) of the  
24 Code. The voted absentee ballots shall be deposited in a sealed con-  
25 tainer which shall be returned to the commissioner on the same  
26 day.

27 The persons appointed by the commissioner pursuant to this sec-  
28 tion shall perform their duties during the three working days pre-  
29 ceding the election. They shall receive compensation as provided in

30 section forty-nine point twenty (49.20) of the Code. They shall  
 31 travel together in the same vehicle and both shall be present when an  
 32 applicant casts his absentee ballot.

1 SEC. 242. Section fifty-three point eighteen (53.18), Code 1973,  
 2 is amended to read as follows:

3 **53.18 Manner of preserving ballot and application.** Upon receipt  
 4 of such ballot ~~the absentee ballot~~, the auditor ~~or clerk~~ commissioner  
 5 shall at once record the number appearing on the application and  
 6 ballot envelope and time of receipt of such ballot and enclose the same,  
 7 unopened, together with the application made by the voter ~~qualified~~  
 8 ~~elector~~, in a large carrier envelope ~~on which shall appear the words~~  
 9 *"This envelope contains an absent voter's ballot for the election"*, and  
 10 securely seal the same, and endorse thereon, over his official signa-  
 11 ture, the following:

12 1. Names of the judges of election of the precinct ~~(naming it)~~ of  
 13 which the voter is a resident.

14 2. The name of the city or town in which or near which such judges  
 15 will hold the election in said precinct.

16 3. The street number, or other clear designation of the polling  
 17 place in said precinct, and a statement that *"This envelope contains*  
 18 *an absent voter's ballot and must be opened only at the polls on elec-*  
 19 *tion day while said polls are open."*

1 SEC. 243. Section fifty-three point nineteen (53.19), Code 1973, is  
 2 amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **53.19 Listing absentee ballots.** The commissioner shall maintain  
 5 a list of the absentee ballots provided to qualified electors, the serial  
 6 number appearing on the unsealed envelope, the date the application  
 7 for the absentee ballot was received, and the date the absentee ballot  
 8 was sent to the qualified elector requesting the absentee ballot.

9 The commissioner shall provide each precinct election board with  
 10 a list of all qualified electors from that precinct who have received  
 11 an absentee ballot. The precinct officials shall immediately designate  
 12 on the election register those qualified electors who have received  
 13 an absentee ballot and are not entitled to vote in person at the polls.

14 However, any qualified elector who has received an absentee ballot  
 15 and not voted it, may surrender the unmarked absentee ballot to  
 16 the precinct officials and vote in person at the polls. The precinct  
 17 officials shall mark the uncast absentee ballot "void" and return it  
 18 to the commissioner. Any qualified elector who has been sent an  
 19 absentee ballot by mail but for any reason has not received it may  
 20 present himself at his precinct polling place on election day and sign  
 21 an affidavit to that effect, after which he shall be permitted to vote  
 22 in person. The form of the affidavit for use in such cases shall be  
 23 prescribed by the state commissioner.

1 SEC. 244. Section fifty-three point twenty-two (53.22), Code  
 2 1973, is amended by striking the section and inserting in lieu thereof  
 3 the following:

4 **53.22 Absentee ballots received.** All absentee ballots forwarded  
 5 to qualified electors and received by the commissioner before the clos-

6 ing of the polls shall be counted by the absentee ballot counting  
7 board.

1 SEC. 245. Section fifty-three point twenty-three (53.23), Code  
2 1973, is amended to read as follows:

3 **53.23 Manner of counting ballots Absentee ballot counting board.**

4 1. Casting ballots. At any time between the opening and closing of  
5 the polls on such election day the judges of election of said precinct  
6 shall open the outer or carrier envelope only, announce the absent or  
7 disabled voter's name, and compare the signature upon the application  
8 with the signature upon the affidavit on the ballot envelope. In case  
9 the judges find the affidavits executed, that the signatures correspond,  
10 the applicant a duly qualified elector of the precinct, and that the  
11 applicant has not voted in person at said election, they shall open the  
12 envelope containing the voter's ballot in such manner as not to deface  
13 or destroy the affidavit thereon, and take out the ballot or ballots  
14 therein contained without unfolding or permitting the same to be  
15 unfolded or examined, and having endorsed the ballot in like manner  
16 as other ballots are required to be endorsed, deposit the same in the  
17 proper ballot box and enter the voter's name in the pollbook, the same  
18 as if he had been present and voted in person.

19 2. Absentee ballot counting boards. There is created a special pre-  
20 cinct in each county in which all absentee ballots cast at any general  
21 election in this state shall be counted. The county commissioner of  
22 elections may create a special precinct for counting absentee ballots  
23 in any other election.

24 The election board of the special precinct shall be known as the  
25 absentee ballot counting board. *There shall be only one absentee*  
26 *ballot counting board existing at any time in each county, and when*  
27 *two or more political subdivisions in the county hold elections simul-*  
28 *taneously the absentee ballot counting board shall count absentee*  
29 *ballots cast in all of the elections so held. The county board of super-*  
30 *visors commissioner shall appoint the absentee ballot counting board*  
31 *in the manner prescribed in sections 49.12 and 49.15, except that the*  
32 *number of election judges and clerks on the absentee ballot counting*  
33 *board shall be sufficient to complete the counting of absentee ballots*  
34 *by nine o'clock p.m.*

35 The county commissioner of elections shall set the convening time  
36 for the absentee ballot counting board allowing a reasonable amount  
37 of time to complete counting the absentee ballots prior to closing of  
38 the polls.

39 The board's powers and duties shall be the same as provided in ~~this~~  
40 chapter fifty (50) of the Code for judges and clerks in *regular pre-*  
41 *inct* polling places, except that the board shall receive and count all  
42 absentee ballots for all precincts in the county upon receipt from the  
43 county ~~auditer~~ commissioner.

44 The room occupied by the absentee ballot counting board shall be  
45 policed in such manner as to prevent any person from obtaining  
46 information regarding the progress of the count before the polls are  
47 closed. No person shall be admitted into the room where such ballots  
48 are being counted until the polls are closed except the absentee ballot  
49 counting board, one challenger representing each political party, one  
50 observer representing any nonparty political organization or any

51 candidate nominated by petition pursuant to chapter forty-five (45)  
 52 of the Code or any other nonpartisan candidate in a city or school  
 53 election appearing on the ballot of the election in progress, and the  
 54 county commissioner of elections, or his designee.

55 The tally list shall be recorded on forms prescribed by the state  
 56 commissioner of elections.

57 Within thirty days from the date of the official canvass of the votes,  
 58 the county commissioner of elections shall correct the registration  
 59 lists to indicate that the persons casting absentee ballots have voted  
 60 in the preceding election.

61 In nonregistration areas, not later than thirty days from the date  
 62 of the official canvass, the affidavits of absentee voters shall be cross  
 63 checked with the precinct pollbooks to insure that no one has voted  
 64 twice, in violation of law.

65 The absentee ballot counting board shall not release the results of  
 66 the balloting until the polls have been closed.

1 SEC. 246. Section fifty-three point twenty-four (53.24), Code  
 2 1973, is amended to read as follows:

3 **53.24 Precincts Counties using voting machines.** In precincts  
 4 using counties which provide the absentee ballot counting board with  
 5 a voting machines machine, none of said the absentee ballot envelopes  
 6 shall be opened until immediately after the closing of the polls to  
 7 voters who vote in person. If there be more than one absent voter's  
 8 ballot entitled to be cast, they by the counting board and shall, without  
 9 being unfolded, be thoroughly intermingled in some proper manner,  
 10 after which they shall be unfolded and, under the personal supervision  
 11 of all the judges, be registered on the voting machine the same as if  
 12 the absent voter had been present and voted in person. When two or  
 13 more political subdivisions in the county are holding separate elec-  
 14 tions simultaneously, the commissioner may arrange the machine so  
 15 that the absentee ballots for more than one such election may be  
 16 recorded on the same machine.

1 SEC. 247. Section fifty-three point twenty-five (53.25), Code  
 2 1973, is amended to read as follows:

3 **53.25 Rejecting ballot.** In case such the absentee voter's affidavit  
 4 is found to be insufficient, or that the signatures do not correspond,  
 5 or that the applicant is not a duly qualified elector in such precinct,  
 6 or that the ballot envelope is open, or has been opened and resealed,  
 7 or that the ballot envelope contains more than one ballot of any one  
 8 kind, or that said voter has voted in person, such vote shall not be  
 9 accepted or counted.

10 If the absentee ballot is rejected prior to the opening of the ballot  
 11 envelope, the voter casting the ballot shall be notified by an election  
 12 judge by the time the canvass is completed of the reason for the rejec-  
 13 tion on a form prescribed by the state commissioner of elections.

1 SEC. 248. Section fifty-three point thirty (53.30), Code 1973, is  
 2 amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **53.30 Ballot envelope preserved.** The ballot envelope having the  
 5 qualified elector's affidavit thereon shall be preserved.

1 SEC. 249. Section fifty-three point thirty-two (53.32), Code 1973,  
 2 is amended to read as follows:  
 3 **53.32 Ballot of deceased voter.** When it shall be made to appear  
 4 by due proof to the judges of election that any elector, who has so  
 5 marked and forwarded his ballot, has died before the ballot is de-  
 6 posited in the ballot box *envelope is opened*, then the ballot of such  
 7 deceased voter shall be endorsed, "Rejected because voter is dead",  
 8 and be returned by the judges of election with the unused ballots to  
 9 the official issuing it *commissioner*; but the casting of the ballot of a  
 10 deceased voter shall not invalidate the election.

1 SEC. 250. Section fifty-three point thirty-six (53.36), Code 1973,  
 2 is amended to read as follows:  
 3 **53.36 Offenses by officers.** If any county auditor, city or town  
 4 clerk, *commissioner* or any election officer shall refuse or neglect to  
 5 perform any of the duties prescribed by this chapter, or shall violate  
 6 any of the provisions thereof, he shall be fined not less than one  
 7 hundred dollars nor more than one thousand dollars, or imprisoned  
 8 in the county jail not to exceed ninety days.

1 SEC. 251. Section fifty-three point thirty-nine (53.39), Code 1973,  
 2 is amended to read as follows:  
 3 **53.39 Request for ballot.** The provisions of ~~sections~~ *section* 53.2,  
 4 ~~53.4 and 53.5~~ shall not apply in connection with the primary and  
 5 general elections in the case of a qualified elector of the state of Iowa  
 6 serving in the armed forces of the United States; in any such case an  
 7 application for ballot as provided for in said ~~sections~~ *section* shall not  
 8 be required and an absent voter's ballot shall be sent or made avail-  
 9 able to any such voter upon a request being made therefor as pro-  
 10 vided for in this division. All official ballots to be voted by qualified  
 11 absent voters in the armed forces of the United States at the primary  
 12 election and the general election shall be printed prior to forty days  
 13 before the said respective elections and shall be available for trans-  
 14 mittal to such qualified electors in the armed forces of the United  
 15 States forty days prior to the respective elections. The provisions of  
 16 this chapter shall apply to absent voting by qualified voters in the  
 17 armed forces of the United States at said elections except as modified  
 18 by the provisions of this division.

1 SEC. 252. Section fifty-three point forty-six (53.46), Code 1973,  
 2 is amended to read as follows:  
 3 **53.46 Powers and duties of ~~commissioner~~ state commissioner.** The  
 4 ~~said commissioner~~ *state commissioner* is authorized and empowered:  
 5 1. To make rules and regulations for the purpose of carrying out  
 6 the provisions and intent of this division;  
 7 2. To prescribe and direct the preparation of specially printed bal-  
 8 lots, envelopes and other papers of different size and weight to be  
 9 used in connection with absent voting by voters in the armed forces  
 10 of the United States, if, in the discretion of the ~~commissioner~~ *state*  
 11 *commissioner*, ~~it~~ *he* shall determine that such a special ballot and  
 12 other papers will facilitate voting by such voters; provided that the  
 13 content of any such specially printed matter shall be the same as that  
 14 used for absent voters generally in the particular precinct in which  
 15 said serviceman's ballot is to be cast, and provided further that such

16 ballots, envelopes and other papers shall be substantially uniform in  
 17 size and weight throughout the state; and provided further that the  
 18 provisions of section 49.56, establishing the maximum cost of print-  
 19 ing ballots, shall apply to the cost of printing any such specially  
 20 printed ballots by the several counties;

21 3. To prescribe any forms that are not otherwise prescribed by law,  
 22 and which in the judgment of the ~~commission~~ *state commissioner* are  
 23 necessary to facilitate the carrying out of the purposes and intent of  
 24 this division;

25 4. To arrange for special transportation of ballots ~~either~~ in co-  
 26 operation with the government of the United States through any  
 27 authorized instrumentality thereof ~~or otherwise~~, and to that end the  
 28 ~~commission~~ *state commissioner* is empowered to direct the ~~county~~  
 29 ~~auditors~~ *commissioners* of the several counties of the state to send  
 30 ballots to voters in the armed forces of the United States other than  
 31 in the usual course of mail;

32 5. To employ such clerical assistance as ~~it~~ *he* may require in carry-  
 33 ing out its functions, to purchase and requisition any office supplies  
 34 ~~it~~ *he* may require, and certify for payment the expenses of carrying  
 35 out ~~its~~ *his* functions *under this division*;

36 6. To call upon any department or division of the state government  
 37 for information and assistance in connection with carrying out the  
 38 provisions of this division;

39 7. To co-operate with any authorized departments, agencies and  
 40 instrumentalities of the government of the United States in effecting  
 41 the intent and purposes of this division.

1 SEC. 253. Section fifty-three point forty-seven (53.47), Code  
 2 1973, is amended to read as follows:

3 53.47 **Materials furnished by printing board.** In order to estab-  
 4 lish uniformity in size, weight and other characteristics of the ballot  
 5 and facilitate its distribution and return, the ~~state printing board~~  
 6 ~~department of general services~~ shall upon direction of the "~~Iowa~~  
 7 ~~Servicemen's Ballot Commission~~" *state commissioner* purchase any  
 8 material needed for any special ballots, envelopes and other printed  
 9 matter, and sell any such materials to the several counties of the state  
 10 at cost plus handling and transportation costs.

11 There is hereby appropriated to the ~~state printing board~~ *depart-*  
 12 *ment of general services* from the general fund of the state such sums  
 13 as may be necessary to purchase any materials provided for herein.  
 14 The proceeds from sale of such materials to counties shall be turned  
 15 into the general fund of the state upon receipt of same by the ~~state~~  
 16 ~~printing board~~ *department of general services*.

1 SEC. 254. Section fifty-three point forty-eight (53.48), Code  
 2 1973, is amended to read as follows:

3 53.48 **Postage on ballots.** In the event the government of the  
 4 United States or any branch, department, agency or other instrumen-  
 5 tality thereof shall make provision for sending of any voting matter  
 6 provided for in this division through the mails postage free, or other-  
 7 wise, the election officials of the state of Iowa and of the several coun-  
 8 ties of the state are authorized to make use thereof under the direc-  
 9 tion of the ~~Iowa servicemen's commission~~ *state commissioner*.

1 SEC. 255. Section fifty-three point fifty (53.50), Code 1973, is  
2 amended to read as follows:

3 **53.50 Appropriation.** There is hereby appropriated to the Iowa  
4 ~~servicemen's ballot commission~~ *state commissioner* from the general  
5 fund of the state such sums as are necessary for it ~~him~~ to pay ~~its~~ *his*  
6 expenses and perform ~~its~~ *his* functions under this division. Warrants  
7 shall be drawn by the comptroller upon certification by the ~~chairman~~  
8 of the commission, or in the event of his inability or unavailability to  
9 act by ~~three members~~ of the commission *state commissioner or his*  
10 *deputy*.

1 SEC. 256. Section two hundred seventy-four point seven (274.7),  
2 Code 1973, is amended by striking unnumbered paragraph two (2).

1 SEC. 257. Section two hundred seventy-three point four (273.4),  
2 Code 1973, is amended by adding the following new unnumbered  
3 paragraph:

4 **NEW UNNUMBERED PARAGRAPH.** All elections held under the pro-  
5 visions of this chapter shall be conducted by the county commissioner  
6 of elections pursuant to the provisions of chapters thirty-nine (39)  
7 through fifty-three (53) of the Code, except as otherwise specifically  
8 provided in this chapter.

1 SEC. 258. Section two hundred seventy-three point five (273.5),  
2 Code 1973, is amended to read as follows:

3 **273.5 Nomination papers.** Nomination papers in behalf of a can-  
4 didate for member of the county board of education shall be filed  
5 with the county superintendent of schools not more than ~~forty-five~~  
6 ~~sixty-five~~ days, nor less than ~~twenty~~ *forty* days prior to the election  
7 at which a member is to be elected. *Nomination petitions shall be*  
8 *filed not later than five o'clock p.m. on the last day for filing.* Each  
9 candidate shall be nominated by a petition signed by not less than  
10 twenty-five ~~qualified~~ *eligible* electors of the area from which a mem-  
11 ber is to be elected, which petition shall state the name of the area  
12 from which a member is to be elected, the office to which he is to be  
13 elected, the name of the candidate and that he is a resident and  
14 elector in the named area. Signers of the petition shall, in addition  
15 to signing their names, show their residence, including street and  
16 number, if any, the school district in which they reside, and the date  
17 of signing, and each nomination paper shall have appended to it an  
18 affidavit of an elector other than the candidate in substantially the  
19 form provided in section 43.17 except as to the party affiliation.

20 *The county superintendent of schools shall deliver all nomination*  
21 *petitions to the county commissioner of elections not later than five*  
22 *o'clock p.m. on the day following the last day on which nomination*  
23 *petitions can be filed.*

1 SEC. 259. Section two hundred seventy-three point seven (273.7),  
2 Code 1973, is amended to read as follows:

3 **273.7 Canvass.** The ballots cast at any election for membership  
4 on the board shall be counted by the judges of election and return  
5 thereof shall be made by the judges on forms provided therefor to the  
6 secretary of the school district within forty hours after the closing of  
7 the polls. Within five days following the election, the secretary of  
8 each school district *county commissioner of elections* shall make

9 return of the votes cast in said district to the county board of educa-  
 10 tion on forms provided therefor, ~~which~~ *and the county board of super-*  
 11 *visors shall meet at ten eight o'clock a.m. on the last Monday in Sep-*  
 12 *tember, and canvass the vote and the county commissioner of elections*  
 13 *shall issue certificates of election.*

1 SEC. 260. Section two hundred seventy-three point twenty-three  
 2 (273.23), Code 1973, is amended to read as follows:

3 **273.23 Special election on petition to merge.** In addition to the  
 4 procedure set forth in section 273.22 for the merger of county school  
 5 systems the county boards of education of any two or more adjacent  
 6 counties upon receipt of a petition signed by not less than ten per-  
 7 cent of those voting for *president of the United States* or governor,  
 8 *as the case may be*, in the last general election in each county, shall  
 9 call a special election in said counties for the purpose of merging the  
 10 respective county school systems into one school system. The elec-  
 11 tions shall be on the same day in each of said counties and the ques-  
 12 tion on the ballot shall be: "Shall the county school systems of (in-  
 13 sert the names of the counties) counties be merged into one school  
 14 system?" If a majority of the votes cast in each of said counties be  
 15 in favor of the proposal the county boards of education in the respec-  
 16 tive counties shall by concurrent action merge the county school sys-  
 17 tems into one school system. Prior to setting a date for said elec-  
 18 tions, approval of the state board of public instruction shall be ob-  
 19 tained and all provisions covering a merger heretofore set out above  
 20 shall also be applicable to a merger under this procedure.

21 *The county commissioners of elections in the respective counties*  
 22 *shall publish notice of the election and conduct the election pursuant*  
 23 *to the provisions of chapters thirty-nine (39) through fifty-three*  
 24 *(53) of the Code.*

1 SEC. 261. Section two hundred seventy-five point eighteen  
 2 (275.18), Code 1973, is amended to read as follows:

3 **275.18 Special election called—time.** When the boundaries of the  
 4 territory to be included in a proposed school corporation and the  
 5 number and method of the election of the school directors of such  
 6 proposed school corporation have been determined as herein pro-  
 7 vided, the county superintendent with whom such petition is filed  
 8 shall call a special election in such proposed school corporation within  
 9 thirty days from the date of the final determination of such bound-  
 10 aries, ~~by giving notice by one publication in the same newspaper as~~  
 11 ~~previous notices concerning it have been published, and serve notice~~  
 12 *on the county commissioner of elections of the county in the proposed*  
 13 *school corporation which has the greatest taxable base in the proposed*  
 14 *school corporation. The county commissioner of elections shall give*  
 15 *notice of the election by one publication in the same newspaper in*  
 16 *which previous notices have been published regarding the proposed*  
 17 *school reorganization, and in addition thereto, if more than one*  
 18 *county is involved, by one publication in a legal newspaper in each*  
 19 *county other than that of the first publication, which publication shall*  
 20 *be not less than ten nor more than fifteen days prior to the election.*  
 21 *In the case of joint districts, no notice for an election shall be pub-*  
 22 *lished until the time for appeal, which shall be the same as that pro-*

23 vided in section 285.12, has expired; and in the event of an appeal,  
24 not until the same has been disposed of.

1 SEC. 262. Section two hundred seventy-five point twenty-three  
2 (275.23), Code 1973, is amended to read as follows:

3 275.23 **Canvass and return.** The judges of election shall count  
4 the ballots, make return to and deposit the ballots with the county  
5 ~~superintendent commissioner of elections~~, who shall enter the return  
6 of record in his office. *The county commissioner of elections shall*  
7 *certify the results of the election to the county superintendent.* If  
8 the majority of the votes cast by the qualified electors are in favor of  
9 the proposition, as provided in section 275.20, a new school corpora-  
10 tion shall be organized. The county superintendent shall file a written  
11 description of the boundaries as provided in section 274.4.

1 SEC. 263. Section two hundred seventy-five point twenty-five  
2 (275.25), Code 1973, is amended to read as follows:

3 275.25 **Election of directors.** If the proposition to establish a new  
4 corporation carries under the method hereinabove provided a special  
5 election shall be called by the county superintendent ~~by giving.~~ *The*  
6 *county superintendent shall notify the county commissioner of elec-*  
7 *tions who shall publish notice by one publication in the same news-*  
8 *paper in which the former notices were published and he shall appoint*  
9 ~~judges who shall serve without pay.~~ At such election, two directors  
10 shall be elected to serve until the next regular election, two until the  
11 second, and one until the third regular election thereafter, except in  
12 districts which include all or part of a city of fifteen thousand or more  
13 population and in districts in which the proposition to establish a new  
14 corporation provides for seven directors, three directors shall be  
15 elected to serve until the third regular election thereafter, all of whom  
16 to serve until such time as their successors are elected and qualified.  
17 Provided, however, that in all community school districts which  
18 include a city of fifteen thousand or more population and which  
19 became effective prior to July 4, 1955, and in all community school  
20 districts containing a city which has attained a population of fifteen  
21 thousand or more as shown by the most recent decennial federal  
22 census, the board of directors shall consist of seven members. Where  
23 it becomes necessary to increase the membership of any such board  
24 under the provisions hereof, two directors shall be added according  
25 to the procedure described in section 277.23. ~~The judges of election~~  
26 ~~shall make return~~ *county board of supervisors shall canvass the votes*  
27 *and the county commissioner of elections report the results to the*  
28 *county superintendent who shall enter the return of record in his*  
29 *office and notify the persons who are elected directors.* The new board  
30 shall organize within fifteen days following their election upon call  
31 of the county superintendent. The new board of directors shall have  
32 complete control of the employment of all personnel for the newly  
33 formed community school district for the ensuing school year. Fol-  
34 lowing the organization of the new board they shall have authority  
35 to establish policy, organize curriculum, enter into contracts and  
36 complete such other planning and take such action as is essential for  
37 the efficient management of the newly formed community school  
38 district.

39 Provided, however, in cases involving two districts only, where the

40 population of the new district does not exceed the population of the  
 41 more populous of said districts by more than twenty-five percent, the  
 42 incumbent board members of said more populous district shall con-  
 43 tinue to hold office as ~~directer~~ *the directors* of the new district for the  
 44 remainder of their elective terms. Vacancies on any board caused by  
 45 change in boundaries shall be filled in the manner provided in sections  
 46 279.6 and 279.7.

1 SEC. 264. Section two hundred seventy-five point twenty-six  
 2 (275.26), unnumbered paragraph one (1), Code 1973, is amended  
 3 to read as follows:

4 If a district is established or changes its boundaries it shall pay all  
 5 expenses incurred by the superintendent and the board of education  
 6 in connection with the proceedings, ~~including the election of the first~~  
 7 ~~board of directors.~~ *The county commissioner of elections shall assess*  
 8 *the costs of the election against the district as provided in section*  
 9 *forty-seven point three (47.3) of the Code.* If the proposition is dis-  
 10 missed or defeated at the election all expenses shall be apportioned  
 11 among the several districts in proportion to the assessed valuation of  
 12 property therein.

1 SEC. 265. Section two hundred seventy-five point thirty-five  
 2 (275.35), unnumbered paragraph one (1), Code 1973, is amended to  
 3 read as follows:

4 Any existing or hereafter created or enlarged school district may  
 5 change the number of directors from five to seven and may also  
 6 change its method of election of school directors to any method author-  
 7 ized by section 275.12 by submission of a proposal, stating the pro-  
 8 posed new method of election and describing the boundaries of the  
 9 proposed director districts if any, by the school board of such district  
 10 to the electors at any regular or special school election. ~~The school~~  
 11 ~~board shall give notice of the submission of such proposal to the voters~~  
 12 ~~by one publication at least ten days prior to such election of such pro-~~  
 13 ~~posal in a newspaper published within the school district, or if none is~~  
 14 ~~published therein, in a newspaper published in the county where the~~  
 15 ~~school district is located, and of general circulation in the territory~~  
 16 ~~described.~~ *The school board shall notify the county commissioner of*  
 17 *elections who shall publish notice of the election in the manner pro-*  
 18 *vided in section forty-nine point fifty-three (49.53) of the Code. The*  
 19 *election shall be conducted pursuant to chapters thirty-nine (39)*  
 20 *through fifty-three (53) of the Code by the county commissioner of*  
 21 *elections.* Such proposal shall be adopted:

1 SEC. 266. Section two hundred seventy-five point thirty-seven  
 2 (275.37), Code 1973, is amended to read as follows:

3 **275.37 Special election.** If change in the number or method of  
 4 the election of school directors is approved at a regular or special  
 5 school election by the voters of a school district, the school board  
 6 shall, ~~by notice in one publication in the same newspaper which the~~  
 7 ~~notice of election required by section 275.36 was published,~~ call a  
 8 special election to be held on or before the tenth day of June next  
 9 following, for the election of new school directors under the newly  
 10 adopted method of election. *The school board shall notify the county*  
 11 *commissioner of elections who shall publish notice of the election and*

12 *conduct the election.* The school directors elected at such election shall  
13 meet and organize on the first Monday in July following their election.

1 SEC. 267. Section two hundred seventy-seven point one (277.1),  
2 Code 1973, is amended to read as follows:

3 **277.1 Regular election.** The regular election shall be held annu-  
4 ally on the second ~~Monday~~ *Tuesday* in September in each school dis-  
5 trict for the election of officers of the district, merged area, and  
6 county school system and for the purpose of submitting to the voters  
7 thereof any matter authorized by law.

1 SEC. 268. Section two hundred seventy-seven point four (277.4),  
2 Code 1973, is amended to read as follows:

3 **277.4 Nominations required.** Nomination papers for all candi-  
4 dates for election to office in each school district shall be filed with  
5 the secretary of the school board not more than ~~forty-five~~ *sixty-five*  
6 days, nor less than ~~twenty~~ *forty* days prior to the election. *Nomina-*  
7 *tion petitions shall be filed not later than five o'clock p.m. on the last*  
8 *day for filing.* Each candidate shall be nominated by a petition signed  
9 by not less than ten qualified electors of the district. To each such  
10 petition shall be attached the affidavit of a qualified elector of the  
11 district that all of the signers thereof are electors of such district and  
12 that the signatures thereto are genuine.

13 *The secretary of the school board shall deliver all nomination peti-*  
14 *tions to the county commissioner of elections not later than five o'clock*  
15 *p.m. on the day following the last day on which nomination petitions*  
16 *can be filed.*

1 SEC. 269. Section two hundred seventy-seven point six (277.6),  
2 Code 1973, is amended to read as follows:

3 **277.6 Territory outside city or town a city or county.** If there is  
4 within a school corporation any territory not within the limits of a  
5 ~~city or town~~ *of the city or county*, the ~~board~~ *county commissioner of*  
6 *elections* may divide the territory which lies outside the city or county  
7 but within the school district into additional precincts, or may attach  
8 the various parts thereof to such contiguous city or county precincts  
9 as will best serve the convenience of the electors of said ~~outside~~ *terri-*  
10 *tory in voting on school matters; but the voters within such territory*  
11 *shall not be required to register.*

1 SEC. 270. Section two hundred seventy-seven point twenty  
2 (277.20), Code 1973, is amended to read as follows:

3 **277.20 Canvassing returns.** On the next Monday after the elec-  
4 tion in each corporation ~~consisting of more than one precinct~~ the  
5 *county board of supervisors* shall canvass the returns made to the  
6 ~~secretary~~ *county commissioner of elections*, ascertain the result of the  
7 voting with regard to every matter voted upon, declare the same,  
8 cause a record to be made thereof, and *the county commissioner of*  
9 *elections shall at once issue a certificate to each person elected.*

1 SEC. 271. Chapter two hundred seventy-seven (277), Code 1973,  
2 is amended by adding the following new section:

3 **NEW SECTION. Election laws applicable.** The provisions of chap-  
4 ters thirty-nine (39) through fifty-three (53) of the Code shall apply  
5 to the conduct of all school elections and the school elections shall be

6 conducted by the county commissioner of elections, except as other-  
7 wise specifically provided in this chapter.

1 SEC. 272. Section two hundred seventy-eight point two (278.2),  
2 Code 1973, is amended to read as follows:

3 278.2 **Submission of proposition.** The board may, and upon the  
4 written request of twenty-five voters of any district having a popu-  
5 lation of five thousand or less, or of fifty voters of any other district  
6 ~~or of any district in which registration of any of the voters is re-~~  
7 ~~quired,~~ shall *direct the county commissioner of elections to provide*  
8 *in the notice for of the regular election for submitting any proposi-*  
9 *tion authorized by law to the voters. All propositions shall be voted*  
10 *upon by ballot, or by voting machine where required, in substantially*  
11 *the form indicated in sections 49.45 and 49.47; and the voter shall*  
12 *indicate his vote in the manner designated in section 49.46, or indi-*  
13 *cate it on the voting machine as the case may be.*

1 SEC. 273. Section two hundred seventy-nine point seven (279.7),  
2 Code 1973, is amended to read as follows:

3 279.7 **Vacancies filled by special election—qualification—tenure.**  
4 In any case where a vacancy or vacancies occur among the elective  
5 officers or members of a school board and the remaining members of  
6 such board have not filled such vacancy within ten days after the  
7 occurrence thereof, or when the board is reduced below a quorum  
8 for any cause, the secretary of the board, or if there be no secretary,  
9 the county superintendent of schools shall call a special election in  
10 the district, subdistrict, or subdistricts, as the case may be, to fill  
11 such vacancy or vacancies, ~~giving~~. *The county commissioner of elec-*  
12 *tions shall publish the notices required by law for such special elec-*  
13 *tions, which election shall be held not sooner than ten thirty days nor*  
14 *later than fourteen forty days thereafter. In any case where the*  
15 *secretary fails for more than three days to call such election, the*  
16 *county superintendent shall call it by giving the notices required by*  
17 *law for special elections.*

18 Any appointment by the board to fill any vacancy in an elective  
19 office on or after the day notice has been given for a special election  
20 to fill such vacancy as provided herein shall be null and void.

21 In any case of a special election as provided herein to fill a vacancy  
22 occurring among the elective officers or members of a school board  
23 before the expiration of a full term, the person so elected shall qualify  
24 within ten days thereafter in the manner required by section 277.28  
25 and shall hold office for the residue of the unexpired term and until  
26 his successor is elected, or appointed, and qualified.

27 *Nomination petitions shall be filed in the manner provided in sec-*  
28 *tion two hundred seventy-seven point four (277.4) of the Code, except*  
29 *that the petitions shall be filed not less than ten days prior to the date*  
30 *set for the election.*

1 SEC. 274. Section two hundred eighty point twenty-one (280.21),  
2 Code 1973, is amended to read as follows:

3 280.21 **Sale of community or junior colleges—application of pro-**  
4 **ceeds.** Irrespective of the provisions of chapter 297, any school cor-  
5 poration which has heretofore sold or may hereafter sell any public  
6 community or junior college building, buildings, or other related prop-

7 erty, whether under the provisions of chapter 280A or otherwise, is  
 8 hereby authorized to use the proceeds of such sale to pay all or any  
 9 part of the cost of building, furnishing, reconstructing, repairing,  
 10 improving, or remodeling a schoolhouse or schoolhouses, or additions  
 11 thereto, or for procuring a site or sites therefor, or any combination  
 12 thereof, even though all of the bonds which may have been issued by  
 13 such school corporation to pay the cost of the building, buildings or  
 14 property sold have not been paid and retired; provided, however, that  
 15 the proposition of using the money derived from such sale for any one  
 16 or more of the foregoing purposes must first be submitted to and  
 17 approved by the voters of the school corporation at an election called  
 18 and held in the manner hereinafter provided. The election may be  
 19 called by the board of directors of the school corporation on its own  
 20 motion, and *the board shall notify the county commissioner of elec-*  
 21 *tions who shall publish the election notice.* The notice of the elec-  
 22 tion shall be published once each week for four consecutive weeks in  
 23 a newspaper published in the school corporation, or if there is none,  
 24 in a newspaper published in the county and of general circulation in  
 25 the school corporation. The election shall be held on a day not less  
 26 than five nor more than twenty days after the last publication of the  
 27 notice. ~~The preparation of the ballot, the appointment of election~~  
 28 ~~officials, and other details of the election shall be governed by the~~  
 29 ~~statutory provisions otherwise applicable to regular school elections~~  
 30 *county commissioner of elections shall conduct the election pursuant*  
 31 *to the provisions of chapters thirty-nine (39) through fifty-three (53)*  
 32 *of the Code. The votes cast in the election shall be canvassed by the*  
 33 *county board of supervisors and the county commissioner of elections*  
 34 *shall certify the results to the board of directors.* No such proposition  
 35 shall be declared carried unless the affirmative vote is equal to at  
 36 least sixty percent of the total vote cast for and against the proposi-  
 37 tion at the election.

1 SEC. 275. Section two hundred eighty A point eleven (280A.11),  
 2 subsection two (2), Code 1973, is amended to read as follows:

3 2. Direct the county ~~superintendent~~ *commissioner of elections* of  
 4 the county in which the physical plant facilities of the area vocational  
 5 school or area community college are to be located to call and conduct  
 6 a special election to choose the members of the initial governing board  
 7 of the merged area. If physical plant facilities are to be located in  
 8 more than one county, the county ~~superintendent~~ *commissioner of*  
 9 *elections* of the county in which the school or college administrative  
 10 offices are to be located shall be responsible for calling and conducting  
 11 the special election.

1 SEC. 276. Section two hundred eighty A point fourteen (280A.14),  
 2 Code 1973, is amended to read as follows:

3 **280A.14 Expenses prorated.** All expenses incurred in electing  
 4 the initial board of a merged area shall be prorated among the sev-  
 5 eral county school systems included in the area, in the proportion that  
 6 the value of taxable property in each county school system, or any  
 7 portion thereof which is part of the merged area, bears to the total  
 8 value of taxable property in the area. The ~~superintendent~~ *county*  
 9 *commissioner of elections* responsible for ~~calling~~ and conducting the

10 election shall certify to each county board of education the amount  
11 which each board owes.

1 SEC. 277. Section two hundred eighty A point fifteen (280A.15),  
2 Code 1973, is amended to read as follows:

3 **280A.15 Conduct of elections.** The nomination of candidates,  
4 preparation of ballots, and canvass for all elections of members of  
5 the board of directors of an area vocational school or an area com-  
6 munity college, except as otherwise directed, shall be conducted in  
7 the manner provided in sections 273.5, 273.6, and 273.7 for members  
8 of county boards of education. Nomination papers in behalf of a candi-  
9 date shall be filed with the secretary of the board of the merged area.  
10 Each candidate shall be nominated by a petition signed by not less  
11 than fifty qualified electors of the district from which the member is  
12 to be elected. ~~The board of directors of each respective merged area~~  
13 ~~shall be responsible for causing the printing of election ballots and~~  
14 ~~the printing of necessary forms used by judges and clerks of election~~  
15 ~~and by secretaries of local school districts in making election returns~~  
16 ~~notice shall be published as provided in chapter forty-nine (49) and~~  
17 ~~the election shall be conducted by the county commissioner of elections~~  
18 ~~pursuant to the provisions of chapters thirty-nine (39) through fifty-~~  
19 ~~three (53) of the Code. The votes cast in the election shall be~~  
20 ~~returned to the respective canvassed by the county board of super-~~  
21 ~~visors and the county commissioner of elections who shall canvass the~~  
22 ~~vote and issue certificates of election as prescribed in section 273.7.~~  
23 Members elected to the board of directors of a merged area shall  
24 qualify by taking the oath of office prescribed in section 277.28.

1 SEC. 278. Section two hundred eighty A point thirty-nine  
2 (280A.39), unnumbered paragraph one (1), Code 1973, is amended  
3 to read as follows:

4 Any merged area may combine with any adjacent merged area  
5 after a favorable vote by the electors of each of the areas involved.  
6 If the boards of directors of two or more merged areas agree to a  
7 combination, the question shall be submitted to the electors of each  
8 area at a special election to be held on the same day in each area.  
9 The special election shall not be held within thirty days of any gen-  
10 eral election. Prior to the special election, the board of each merged  
11 area shall *notify the county commissioner of elections of the county*  
12 *in which the merged area's administrative offices are located who*  
13 *shall publish notice of the election at least three times, no oftener*  
14 *than once a week, in one or more newspapers of general circulation*  
15 *within the merged area. The two respective county commissioners*  
16 *of elections shall conduct the election pursuant to the provisions of*  
17 *chapters thirty-nine (39) through fifty-three (53) of the Code. The*  
18 *votes cast in the election shall be canvassed by the county board of*  
19 *supervisors and the county commissioners of elections who conducted*  
20 *the election shall certify the results to the board of directors of each*  
21 *merged area.*

1 SEC. 279. Section two hundred ninety-one point six (291.6), Code  
2 1973, is amended by striking subsection five (5).

1 SEC. 280. Section two hundred ninety-six point three (296.3),  
2 Code 1973, is amended to read as follows:

3     **296.3 Election called.** The president of the board of directors on  
 4 receipt of such petition shall, within ten days, call a meeting of the  
 5 board which shall call such election, fixing the time and place thereof,  
 6 which may be at the time and place of holding the regular school  
 7 election. *The president shall notify the county commissioner of elec-*  
 8 *tions of the time of the election.*

1     SEC. 281. Section two hundred ninety-six point four (296.4),  
 2 Code 1973, is amended to read as follows:

3     **296.4 Notice—ballots.** Notice of such election shall be given *by*  
 4 *the county commissioner of elections* by publication once each week  
 5 for four weeks in some newspaper published in the district, or, if  
 6 there is none, in some newspaper published in the county and of general  
 7 circulation in the district. The notice shall state the date of the  
 8 election, the hours of opening and closing the polls and the exact loca-  
 9 tion thereof, and the questions to be submitted, and shall be in lieu  
 10 of any other notice, any other statute to the contrary notwithstand-  
 11 ing. ~~At such election the ballot shall be prepared and used in sub-~~  
 12 ~~stantially the form for submitting special questions at general elec-~~  
 13 ~~tions.~~ *The county commissioner of elections shall conduct the election*  
 14 *pursuant to the provisions of chapters thirty-nine (39) through fifty-*  
 15 *three (53) of the Code and certify the results to the board of directors.*

1     SEC. 282. Section two hundred ninety-eight point eighteen  
 2 (298.18), unnumbered paragraph five (5), Code 1973, is amended to  
 3 read as follows:

4     Notice of such election shall be given *by the county commissioner*  
 5 *of elections* by publication once each week for four consecutive weeks  
 6 in a newspaper published in the school corporation, or if there is no  
 7 newspaper published in the school corporation, in a newspaper pub-  
 8 lished in the county and of general circulation in the school corpora-  
 9 tion. Such notice shall state the date of the election, the hours of  
 10 opening and closing the polls and the exact location thereof, and the  
 11 question to be submitted. The election shall be held on a date not  
 12 less than five nor more than twenty days after the last publication  
 13 of the notice. Such notice shall be sufficient and shall be in lieu of  
 14 any other notice required by any other statute. At such election the  
 15 ballot used for the submission of said proposition shall be in sub-  
 16 stantially the form for submitting special questions at general elec-  
 17 tions. *The county commissioner of elections shall conduct the elec-*  
 18 *tion pursuant to the provisions of chapters thirty-nine (39) through*  
 19 *fifty-three (53) of the Code and certify the results to the board of*  
 20 *directors.* Such proposition shall not be deemed carried or adopted  
 21 unless the vote in favor of such proposition is equal to at least sixty  
 22 percent of the total vote cast for and against said proposition at  
 23 said election. Whenever such a proposition has been approved by the  
 24 voters of a school corporation as hereinbefore provided, no further  
 25 approval of the voters of such school corporation shall be required  
 26 as a result of any subsequent change in the boundaries of such school  
 27 corporation.

1     SEC. 283. Section three hundred sixty-two point four (362.4),\*  
 2 Code 1973, is amended to read as follows:

\*See 64-1088-9, 199.

3     **362.4 Change in territorial limits.** The court is vested with  
4 power to change or limit the territory proposed to be incorporated,  
5 before appointing the commissioners as herein provided.

1     SEC. 284. Section three hundred sixty-two point five (362.5),\*  
2 Code 1973, is amended to read as follows:

3     **362.5 Commissioners—notice Notice of election.** Upon compliance  
4 with the foregoing provisions of this chapter, the court shall at once  
5 appoint five commissioners, who shall at once give notice of an elec-  
6 tion for incorporation to the county commissioner of elections, who  
7 shall publish notice of the election as provided in this section. Such  
8 notice shall state the time and place of holding the elections, a descrip-  
9 tion of the geographical limits of the proposed municipal corporation,  
10 that a plat and description of such limits are on file in the office of the  
11 clerk of the district court, and shall be published once each week for  
12 three consecutive weeks in the manner provided by chapter 618.

1     SEC. 285. Section three hundred sixty-two point six (362.6),\*  
2 Code 1973, is amended to read as follows:

3     **362.6 Election—ballots—canvass.** The commissioners shall act  
4 as judges and clerks of the election, and shall qualify as required by  
5 law, and the proposition to be submitted thereat at the election shall  
6 be: "Shall the proposition for incorporation be adopted?" and the  
7 commissioners shall have charge of the printing of the ballots, and  
8 shall cause the proposition to be placed upon them, and the elector  
9 shall designate his vote in the same manner provided with respect to  
10 like or similar propositions in the title on elections. The commissioners  
11 county commissioner of elections shall conduct the election and  
12 promptly report the result of the election to the court which may be  
13 confirmed and approved, or set aside, by said court. If it is set aside,  
14 the court may order a new election with the same or other commis-  
15 sioners.

1     SEC. 286. Section three hundred sixty-two point seven (362.7),\*  
2 Code 1973, is amended to read as follows:

3     **362.7 Election of officers.** If a majority of the ballots cast at  
4 such election be in favor of the incorporation and the result has been  
5 confirmed and approved, the court shall order the election of a mayor,  
6 treasurer, and council. *The court shall notify the county commis-*  
7 *sioner of elections of the time and place of the election.* The commis-  
8 sioners county commissioner of elections shall cause notice of the  
9 time and place of holding the election to be published once each week  
10 for three consecutive weeks in the manner provided by chapter 618.  
11 At said election the qualified voters residing within the limits of the  
12 town shall elect the officers. The election shall be conducted, so far as  
13 practicable, in the manner of municipal elections, and the commis-  
14 sioners shall act as judges and clerks of election provided in chapters  
15 thirty-nine (39) through fifty-three (53) of the Code.

1     SEC. 287. Section three hundred sixty-two point eight (362.8),\*  
2 Code 1973, is amended to read as follows:

3     **362.8 Report—judgment.** The commissioners county commission-  
4 er of elections shall promptly report the results of the election to the  
5 court, and it may confirm and approve the election and report, or set

\*See 64-1088-9, 199.

6 the same aside and order a new election with the same or other  
 7 commissioners. Upon the confirmation of the election and report, a  
 8 judgment shall be entered of record, declaring the town duly incor-  
 9 porated and confirming and approving the first election of officers.  
 10 Should any officer fail to qualify, the court shall declare the office  
 11 vacant and appoint some other person to fill the vacancy.

1 SEC. 288. Section three hundred sixty-two point eleven (362.11),\*  
 2 Code 1973, is amended to read as follows:

3 **362.11 How effected.** Upon a petition of the voters equaling  
 4 twenty-five percent of the number voting at the last preceding munic-  
 5 ipal election, to the district court of the county wherein a municipal  
 6 corporation is situated, for the discontinuance of the same, the court  
 7 shall *notify the county commissioner of elections to*, thirty days prior  
 8 to the next regular city or town election, cause notice to be given,  
 9 that the question of discontinuing such corporation will be submitted  
 10 to the legal voters thereof at the said election. ~~Such~~ *The county com-*  
 11 *missioner of elections shall publish notice shall be published* once each  
 12 week for three consecutive weeks in the manner provided by chapter  
 13 618. The proposition submitted shall be: "Shall the proposition to  
 14 discontinue the corporation of (inserting name) be adopted?" ~~The~~  
 15 ~~clerk of the city or town shall cause the proposition to be printed on~~  
 16 ~~the ballots.~~

1 SEC. 289. Section three hundred sixty-two point twelve (362.12),\*  
 2 Code 1973, is amended to read as follows:

3 **362.12 Canvass—judgment.** The vote shall be taken and can-  
 4 vassed in the same manner as other municipal elections, and returns  
 5 thereof made *by the county commissioner of elections* to the district  
 6 court. If it finds that a majority of the legal votes cast were for the  
 7 discontinuance of the incorporation, then a judgment shall be entered  
 8 discontinuing the same, and, upon the entry of said judgment, its cor-  
 9 porate powers shall cease.

1 SEC. 290. Section three hundred sixty-two point nineteen  
 2 (362.19),\* Code 1973, is amended to read as follows:

3 **362.19 How effected.** When any city or town desires to consoli-  
 4 date with another contiguous city or town, the council of each shall  
 5 appoint three commissioners who shall meet and fix the terms upon  
 6 which the proposed consolidation shall be made, and make report  
 7 thereof to their respective councils. If both councils approve the  
 8 proposed terms, they shall by identical ordinances so declare, and  
 9 therein determine whether the question shall be voted upon at a spe-  
 10 cial election, fixing the date thereof; or at the next regular city  
 11 election. Thereupon a copy of the ordinance, together with a state-  
 12 ment that both councils have adopted the same, shall be ~~published~~  
 13 ~~delivered to the county commissioner of elections.~~ *The county com-*  
 14 *missioner of elections shall publish the ordinance and the statement*  
 15 *of both councils* once each week for three consecutive weeks in the  
 16 manner provided by chapter 618. The date of the third publication  
 17 shall be not less than one week nor more than two weeks prior to the  
 18 election.

\*See 64-1088-9, 199.

1 SEC. 291. Section three hundred sixty-two point twenty  
2 (362.20),\* Code 1973, is amended to read as follows:

3 **362.20 Election—record.** The proposition to be submitted at the  
4 election shall be: "Shall the proposition for the consolidation of  
5 (naming the city or town) with (naming the city or town) be  
6 adopted?" *The county commissioner of elections shall conduct the*  
7 *election and an election return shall be delivered to the council of*  
8 *each city or town.* If a majority of the votes cast in each city or  
9 town is in favor of consolidation, the council of each shall, by ordi-  
10 nance, so declare. A certified copy of the whole proceedings for the  
11 consolidation shall be filed with the clerk of the city or town with  
12 which such consolidation is made, who shall file a certified copy there-  
13 of with the secretary of state, and in the recorder's office of the  
14 county, who shall record the same.

1 SEC. 292. Section three hundred sixty-two point twenty-six  
2 (362.26),\* subsection three (3), Code 1973, is amended to read as  
3 follows:

4 3. The proposition shall be submitted to the voters of said city or  
5 town and to the voters residing in the territory proposed to be  
6 annexed at said election in the following form: "Shall the proposi-  
7 tion to annex the territory described as follows: (here set out legal  
8 description of the territory); in the resolution adopted by the council  
9 of the city (or town) of ....., on the ..... day of .....  
10 be approved?" Notice of the submission of said proposition shall be  
11 given by publication once each week for three consecutive weeks in  
12 the manner provided by chapter 618. *Publication of notice shall be*  
13 *made by the county commissioner of elections and the county commis-*  
14 *sioner of elections shall conduct the election pursuant to the provi-*  
15 *sions of chapters thirty-nine (39) through fifty-three (53) of the*  
16 *Code and report the election results to the city council.*

1 SEC. 293. Section three hundred sixty-three point eight (363.8),\*  
2 Code 1973, is amended to read as follows:

3 **363.8 When held—voting places.** Except as hereinafter provided,  
4 regular municipal elections shall be held on the Tuesday next, after  
5 the first Monday in November, of odd-numbered years, and elective  
6 officers shall be chosen biennially to succeed officers whose terms ex-  
7 pire at noon of the second secular day in January, following said  
8 election. ~~Voting places shall be fixed by the council, and at least one~~  
9 ~~polling place provided for each precinct or ward, as the case may be.~~  
10 *All municipal elections shall be conducted pursuant to the provi-*  
11 *sions of chapters thirty-nine (39) through fifty-three (53) of the*  
12 *Code, except as otherwise specifically provided.*

1 SEC. 294. Section three hundred sixty-three point eleven  
2 (363.11),\* Code 1973, is amended to read as follows:

3 **363.11 Candidates—filing.** Any person desiring to become a can-  
4 didate for any elective municipal office shall, ~~at least four weeks not~~  
5 ~~more than sixty-five days nor less than forty days~~ prior to the elec-  
6 tion, file with the clerk of the municipal corporation a petition signed  
7 by qualified voters equaling in number at least two percent of the  
8 greatest number of votes cast for any candidate for such office at the

\*See 64-1088-9, 199.

9 last regular municipal election, and in no case less than ten, request-  
 10 that his (or her) name be printed upon the official election ballot.  
 11 *Nomination petitions shall be filed not later than five o'clock p.m. on*  
 12 *the last day for filing.* Provided that any city having a population of  
 13 ten thousand or less or any town may by ordinance provide that all  
 14 candidates for all elective city or town offices shall be nominated  
 15 under the provisions of chapter 44 or 45. In such event nomination  
 16 for all such offices in the manner provided for in this chapter shall not  
 17 be authorized.

18 *The clerk of the municipal corporation shall deliver all nomination*  
 19 *petitions to the county commissioner of elections not later than five*  
 20 *o'clock p.m. on the day following the last day on which nomination*  
 21 *petitions can be filed.*

1 SEC. 295. Section three hundred sixty-three point fifteen  
 2 (363.15), \* Code 1973, is amended to read as follows:

3 **363.15 Population 10,000 or less—procedure.** ~~Four weeks~~ *Not less*  
 4 *than thirty-five days* prior to the election, the ~~clerk and mayor~~ *county*  
 5 *commissioner of elections* shall canvass the petitions of all candidates  
 6 that have been filed with the clerk, and in all municipal corporations  
 7 having a population of ten thousand or less, as shown by the latest  
 8 federal census, shall find all candidates that have filed proper peti-  
 9 tions, as herein provided, to be the nominees for the offices sought.  
 10 The ~~clerk~~ *county commissioner of elections* shall then do all things  
 11 necessary for conducting the election. The election shall be conducted  
 12 in the manner provided by law for general elections.

1 SEC. 296. Section three hundred sixty-three point sixteen  
 2 (363.16), \* Code 1973, is amended to read as follows:

3 **363.16 Population over 10,000—procedure.**

4 1. In cities having a population of more than ten thousand, as  
 5 shown by the latest federal census, the procedure shall be as follows:

6 If the ~~clerk~~ *county commissioner of elections* and mayor find that  
 7 the number of candidates for any office, as shown by candidates' peti-  
 8 tions filed with the ~~clerk~~ *county commissioner of elections*, be not  
 9 more than twice the number of persons that may be elected to said  
 10 office, said candidates shall be found to be the nominees, and for said  
 11 office no primary election shall be held. For any office or offices, for  
 12 which the number of candidates, as shown by the candidates' petitions  
 13 filed with the ~~clerk~~ *county commissioner of elections*, is found to be  
 14 more than twice the number of persons that may be elected to said  
 15 office or offices, the nominees shall be determined by a municipal pri-  
 16 mary election, as hereinafter provided. The ~~clerk~~ *county commis-*  
 17 *sioner of elections* and mayor shall file a written report with the coun-  
 18 cil, stating the nominees for such office or offices, if any, for which  
 19 no municipal primary election is required, and also stating the office,  
 20 or offices, if any, for which the nominees shall be determined by a  
 21 municipal primary election. Any such city, under one hundred thou-  
 22 sand population, may by ordinance provide that all candidates for all  
 23 elective city offices shall be nominated under the provisions of chapter  
 24 44 and chapter 45. In such event nomination for all such offices by  
 25 primary shall not be authorized.

26 2. The council of any city having a population of more than ten

\*See 64-1088-9, 199.

27 thousand may by ordinance provide that subsection 1 of this section  
 28 and sections 363.17 through 363.20, section 363.24, and section 363.25  
 29 shall not apply to such city if the ordinance provides for a run-off  
 30 election as set forth in this subsection. Any such run-off election shall  
 31 be held two weeks after the regular municipal election if the following  
 32 conditions result:

33 a. If no candidate for a single office receives a majority of the votes  
 34 cast, the two candidates receiving the largest number of votes shall be  
 35 placed upon the run-off ballot.

36 b. Where candidates for council or other bodies run at large, the  
 37 results shall be ranked in order of votes received. If any of the top  
 38 candidates, to the number of positions to be filled, receive less than a  
 39 majority of the votes cast at the election, those candidates receiving  
 40 a majority of the votes cast shall be declared elected. Those candi-  
 41 dates receiving the next highest number of votes but not having a  
 42 majority, to the number of twice the number of unfilled positions,  
 43 shall be placed on the run-off ballot.

44 ~~All provisions for conducting municipal elections~~ *The provisions of*  
 45 *chapters thirty-nine (39) through fifty-three (53) of the Code shall*  
 46 *apply to the conduct of run-off elections except that there shall be no*  
 47 *added voter registrations accepted for said election but transfers may*  
 48 *be accepted until ten days before the election, as now provided under*  
 49 *law.*

1 SEC. 297. Section three hundred sixty-three point twenty-four  
 2 (363.24),\* Code 1973, is amended to read as follows:

3 **363.24 Returns canvassed.** On the day following the municipal  
 4 primary election, the ~~clerk~~ *county board of supervisors* shall publicly  
 5 canvass said election returns and *the county commissioner of elec-*  
 6 *tions* shall report the results thereof to the council. For municipal  
 7 officers for which but one person is to be elected, the number of nomi-  
 8 nees, as determined by the municipal primary election, shall be twice  
 9 the number of persons to be elected and the candidates receiving the  
 10 greatest number of votes shall be the nominees.

1 SEC. 298. Section three hundred sixty-three point twenty-five  
 2 (363.25),\* Code 1973, is amended to read as follows:

3 **363.25 Report to council.** The ~~clerk's~~ *report by the county com-*  
 4 *missioner of elections* to the council shall list the nominees for all  
 5 offices to be filled at the forthcoming municipal election and shall show  
 6 whether nomination was by municipal primary election, or by peti-  
 7 tion.

1 SEC. 299. Section three hundred sixty-four point three (364.3),\*  
 2 Code 1973, is amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** The city council or mayor shall notify the  
 4 county commissioner of elections that a special election has been  
 5 called. The county commissioner of elections shall publish notice and  
 6 conduct the election pursuant to chapters thirty-nine (39) through  
 7 fifty-three (53) of the Code and report the results of the election to  
 8 the council and mayor.

1 SEC. 300. Section three hundred sixty-eight point sixty-five  
 2 (368.65),\* Code 1973, is amended to read as follows:

\*See 64-1088-9, 199.

3     **368.65 Vote of electors on bonds.** After the incorporation of said  
4 authority, and before the sale of any issue of revenue bonds (except  
5 refunding bonds) as provided in this division, the authority shall  
6 submit in a single countywide election to the legal voters of said city  
7 or town and county, at a general, primary or special election called  
8 for that purpose, the question whether such authority shall issue and  
9 sell revenue bonds (stating the amount) for any of the purposes pro-  
10 vided in section 368.55. An affirmative vote of a majority of the  
11 votes cast on said proposition shall be required to authorize the issu-  
12 ance and sale of said revenue bonds. A notice of the election shall  
13 be published once each week for at least four weeks in some newspa-  
14 per published in the county. Such notice shall name the time when  
15 such question shall be permitted, and a copy of the question to be  
16 submitted shall be posted at each polling place during the day of elec-  
17 tion. The authority shall call this election with the concurrence of  
18 both incorporating units, and it shall establish the voting precincts  
19 and polling places, and appoint the election judges, and in so doing  
20 such election procedures shall be in accordance with the provisions of  
21 chapters 49 and 50 notify the county commissioner of elections who  
22 shall publish notice of the election in the manner provided in this  
23 section and conduct the election pursuant to chapters thirty-nine (39)  
24 through fifty-three (53) of the Code and report the results of the  
25 election to the authority.

1     **SEC. 301.** Section three hundred seventy-four point one (374.1),\*  
2 Code 1973, is amended to read as follows:

3     **374.1 Community center houses authorized.** Incorporated cities  
4 and towns shall have power to provide for the several districts in  
5 said city, or for any one of such districts, as hereinafter defined, a  
6 community center house with recreation grounds adjacent for the  
7 use, recreation, and instruction of the residents of said district,  
8 and to submit to the electors of any such district at a regular city  
9 election, or special election called for that purpose, the question of  
10 the establishment of such improvement and of the issuance of dis-  
11 trict bonds to provide the same. *The mayor shall notify the county*  
12 *commissioner of elections who shall publish notice and conduct the*  
13 *election pursuant to the provisions of chapters thirty-nine (39)*  
14 *through fifty-three (53) of the Code and certify the results of the*  
15 *election to the mayor.* And in cities where buildings and grounds  
16 suitable for community center activities are owned and maintained  
17 by the city, the city council may, by resolution, establish such build-  
18 ings or grounds as community centers without submitting the ques-  
19 tion of the establishment thereof to the electors.

1     **SEC. 302.** Section three hundred eighty point ten (380.10),\* Code  
2 1973, is amended to read as follows:

3     **380.10 Election.** The power granted in section 380.9 and in sec-  
4 tion 380.14 to issue certificates and bonds and to pledge said earnings  
5 for the payment thereof shall not be exercised unless a majority of  
6 the legal electors of the city voting thereon vote in favor of the exer-  
7 cise of such power. The council may, on its own motion, submit  
8 such question either at a general election or at a special election called  
9 for that purpose.

\*See 64-1088-9, 199.

10 Upon the filing with the mayor of a petition requesting the sub-  
 11 mission of such question, signed by twenty-five legal electors of each  
 12 voting precinct in the city, the mayor shall submit such question to  
 13 *the county commissioner of elections which shall be placed on the bal-*  
 14 *lot at the first general election following the filing of said petition,*  
 15 providing said general election occurs not less than forty nor more  
 16 than ninety days after said filing. If said question cannot be sub-  
 17 mitted at a general election, as herein provided, the mayor shall sub-  
 18 mit such question at a special election which he shall forthwith call  
 19 for such date as will permit the giving of the notice herein provided.  
 20 Notice of said election shall be given as provided by section 397.7.

21 *The mayor shall notify the county commissioner of elections of the*  
 22 *special election and the county commissioner of elections shall publish*  
 23 *notice and conduct the election pursuant to the provisions of chapters*  
 24 *thirty-nine (39) through fifty-three (53) of the Code and certify the*  
 25 *results of the special election to the mayor.*

1 SEC. 303. Section three hundred eighty-one point ten (381.10),\*  
 2 Code 1973, is amended to read as follows:

3 **381.10 Question submitted.** Whenever a petition shall be pre-  
 4 sented to the council, signed by a majority of the resident freehold  
 5 taxpayers thereof, asking that the question of constructing or aiding  
 6 in the construction of a bridge as provided in section 381.9 be sub-  
 7 mitted to the qualified electors, it shall be its duty to immediately  
 8 ~~give notice of a special election, by publication in some newspaper~~  
 9 ~~published therein, and also by posting copies of such notice in five~~  
 10 ~~public places therein, at least ten days before such election~~ *the council*  
 11 *shall call a special election and notify the county commissioner of*  
 12 *elections. The county commissioner of elections shall publish notice*  
 13 *and conduct the election pursuant to chapters thirty-nine (39)*  
 14 *through fifty-three (53) of the Code and report the results of the*  
 15 *election to the council.*

1 SEC. 304. Section three hundred eighty-six point three (386.3),\*  
 2 Code 1973, is amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** The council or mayor may call a special elec-  
 4 tion and notify the county commissioner of elections. The county  
 5 commissioner of elections shall publish notice of the election as pro-  
 6 vided in section three hundred eighty-six point four (386.4) of the  
 7 Code and conduct the election pursuant to chapters thirty-nine (39)  
 8 through fifty-three (53) of the Code and report the results of the  
 9 election to the council and mayor.

1 SEC. 305. Section three hundred eighty-six A point four  
 2 (386A.4),\* Code 1973, is amended to read as follows:

3 **386A.4 Canvass of petition.** After such petition is filed the coun-  
 4 cil of such city shall arrange for a joint meeting of the councils of  
 5 all cities and towns involved and the council, or joint councils, if  
 6 more than one, shall canvass the petition, and if found to meet the  
 7 requirements of the law, shall fix a time and places for holding a  
 8 special election in the proposed district, ~~appoint judges and clerks of~~  
 9 ~~such election, fix the hours when the polls shall open and close and~~  
 10 ~~cause notice to be given as hereinafter provided and notify the county~~  
 11 *commissioner of elections. The county commissioner of elections shall*

\*See 64-1088-9, 199.

12 *publish notice of the election as provided in section three hundred*  
 13 *eighty-six A point six (386A.6) of the Code and conduct the election*  
 14 *pursuant to chapters thirty-nine (39) through fifty-three (53) of the*  
 15 *Code and report the results of the election to the council. The date of*  
 16 *such election shall be at least ten days after completed service of such*  
 17 *notice.* The transportation company for whose benefit such election  
 18 is held shall pay the expense thereof, including publication of notice  
 19 and printing of ballots.

1 SEC. 306. Section three hundred eighty-six A point six  
 2 (386A.6),\* Code 1973, is amended to read as follows:

3 **386A.6 Publication.** The ~~city clerk of the principal city county~~  
 4 ~~commissioner of elections~~ shall cause such notice to be published for  
 5 three consecutive weeks in the official newspapers published in said  
 6 city. Proof of such publication, by affidavit of the publisher, shall be  
 7 filed with the ~~city clerk county commissioner of elections~~ on comple-  
 8 tion of the publication.

1 SEC. 307. Section three hundred eighty-six B point four  
 2 (386B.4),\* Code 1973, is amended by adding the following new para-  
 3 graph:

4 NEW PARAGRAPH. The council shall notify the county commis-  
 5 sioner of elections when the proposition will be submitted at an elec-  
 6 tion. The county commissioner of elections shall publish notice of  
 7 the election in the manner specified in section three hundred eighty-  
 8 six B point five (386B.5) of the Code and conduct the election pur-  
 9 suant to chapters thirty-nine (39) through fifty-three (53) of the  
 10 Code and report the results of the election to the council.

1 SEC. 308. Section three hundred eighty-six B point eighteen  
 2 (386B.18),\* Code 1973, is amended by adding the following new para-  
 3 graph:

4 NEW PARAGRAPH. The council shall notify the county commis-  
 5 sioner of elections when the proposition will be submitted at an elec-  
 6 tion. The county commissioner of elections shall publish notice of  
 7 the election in the manner specified in section three hundred eighty-  
 8 six B point five (386B.5) of the Code and conduct the election pur-  
 9 suant to chapters thirty-nine (39) through fifty-three (53) of the  
 10 Code and report the results of the election to the council.

1 SEC. 309. Section three hundred ninety-seven point six (397.6),\*  
 2 Code 1973, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. The council or mayor may call a special elec-  
 4 tion and notify the county commissioner of elections. The county  
 5 commissioner of elections shall publish notice of the election as pro-  
 6 vided in this chapter and conduct the election pursuant to chapters  
 7 thirty-nine (39) through fifty-three (53) of the Code and report the  
 8 results of the election to the council and mayor.

1 SEC. 310. Section three hundred ninety-seven point twenty-nine  
 2 (397.29),\* Code 1973, is amended by adding the following new para-  
 3 graph:

4 NEW PARAGRAPH. The council shall notify the county commis-  
 5 sioner of elections of an election called pursuant to this section. The

\*See 64-1088-9, 199.

6 county commissioner of elections shall publish notice of the election  
 7 as provided in section three hundred ninety-seven point thirty  
 8 (397.30) of the Code and conduct the election pursuant to the pro-  
 9 visions of chapters thirty-nine (39) through fifty-three (53) of the  
 10 Code and report the results of the election to the council.

1 SEC. 311. Section three hundred ninety-eight point seven  
 2 (398.7),\* Code 1973, is amended to read as follows:

3 **398.7 Election—powers of council.** Said contract or contracts  
 4 shall not be binding upon said city until the same shall have been  
 5 approved by the city council at a regular meeting, or a special meet-  
 6 ing called for such purpose, and shall have been adopted by a major-  
 7 ity of the electors of said city voting at a city or special election,  
 8 which shall have been duly called after thirty days' notice by said  
 9 city. The proposition to be submitted at said election, and the form  
 10 of ballot, shall be: "Shall the contract or contracts approved by the  
 11 city council in relation to the waterworks be adopted?" The proposi-  
 12 tion shall be printed and placed on the ballots, and the voter shall  
 13 designate his choice, and the election shall be conducted, ~~in the man-~~  
 14 ~~ner provided in the title on elections by the county commissioner of~~  
 15 ~~elections pursuant to chapters thirty-nine (39) through fifty-three~~  
 16 ~~(53) and he shall report the results of the election to the council.~~  
 17 When a majority of the electors of said city at any election shall have  
 18 declared in favor of the purchase or erection of any waterworks, or  
 19 shall have authorized the incurring of indebtedness or issuance of  
 20 bonds for waterworks, the city council may provide by contract or  
 21 otherwise without submission of same to the electors, for surveys,  
 22 examinations, appraisements, estimates, plans, specifications, adver-  
 23 tisements for bids, and all other necessary work preliminary to the  
 24 making of such contract or contracts for purchase or erection of  
 25 waterworks, and pay for the same and the expense of said election  
 26 out of said sinking fund.

1 SEC. 312. Section three hundred ninety-nine point one (399.1),\*  
 2 Code 1973, is amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** Notice of any election called under the pro-  
 4 visions of this section shall be given to the county commissioner of  
 5 elections. The county commissioner of elections shall publish notice  
 6 of the election and conduct the election pursuant to the provisions of  
 7 chapters thirty-nine (39) through fifty-three (53) of the Code and  
 8 report the results of the election to the city council and mayor.

1 SEC. 313. Section four hundred seven point seven (407.7),\* Code  
 2 1973, is amended to read as follows:

3 **407.7 Election called.** The council on receipt of any such petition  
 4 shall at the next regular meeting call a special election, ~~fixing the time~~  
 5 ~~and place thereof,~~ or may submit the proposition as a special question  
 6 at the next regular municipal election. The council may reject a peti-  
 7 tion for a community center, or change the area of any district peti-  
 8 tioned for. *The council shall notify the county commissioner of elec-*  
 9 *tions, who shall publish notice of the election pursuant to section four*  
 10 *hundred seven point eight (407.8) of the Code and conduct the election*  
 11 *pursuant to chapters thirty-nine (39) through fifty-three (53) of the*  
 12 *Code and report the results of the election to the council.*

\*See 64-1088-9, 199.

1 SEC. 314. Section four hundred seven point eight (407.8),\* Code  
2 1973, is amended to read as follows:

3 407.8 **Notice.** ~~It~~ *The county commissioner of elections* shall give  
4 notice of any election held under the provisions of this chapter by  
5 publication once each week for three consecutive weeks in some news-  
6 paper published in the city or town, or if none be published therein,  
7 in a newspaper published in the county and of general circulation in  
8 the city or town. The election shall be held on a day not less than five  
9 nor more than twenty days after the last publication of notice.

1 SEC. 315. Section four hundred eight A point four (408A.4),\*  
2 Code 1973, is amended to read as follows:

3 408A.4 **Notice of election.** Notice of such election, stating the  
4 date of the election, the hours of opening and closing the polls, the  
5 precincts and polling places therefor and the question to be sub-  
6 mitted shall be published *by the county commissioner of elections*  
7 once each week for three consecutive weeks in some newspaper pub-  
8 lished in the city or town, or if none be published therein, in a news-  
9 paper published in the county and having a general circulation in  
10 the city or town. The election shall be held on a day not less than  
11 five nor more than twenty days after the last publication of such  
12 notice *and shall be conducted by the county commissioner of elec-*  
13 *tions pursuant to the provisions of chapters thirty-nine (39) through*  
14 *fifty-three (53) of the Code.*

1 SEC. 316. Section four hundred twenty point one hundred thirty  
2 (420.130), Code 1973, is amended to read as follows:

3 420.130 **Affidavit of candidacy.** Candidates for city precinct com-  
4 mitteemen and committeewomen, ~~or candidates for ward alderman~~  
5 ~~or ward councilman,~~ shall cause their names to be printed on the  
6 primary ballot by filing an affidavit as provided for in section 43.18  
7 ~~in the office of the city clerk~~ *with the county commissioner of elections*  
8 at least thirty days prior to the day fixed for conducting the primary  
9 election.

1 SEC. 317. Section four hundred twenty point one hundred thirty-  
2 one (420.131), Code 1973, is amended to read as follows:

3 420.131 **Members from each precinct.** ~~A male member and a~~  
4 ~~female member~~ *Two persons* for each political party shall be elected  
5 from each precinct to the city central committee at the primary elec-  
6 tion. They shall hold office for a period of two years immediately  
7 following the adjournment of the city convention, or until ~~his or her~~  
8 ~~successor~~ *is their successors* are duly elected and qualified, unless  
9 sooner removed by the city central committee for failing to perform  
10 the duties of committeemen, incompetency, or failing to support the  
11 ticket nominated by their respective party.

1 SEC. 318. Section four hundred twenty point one hundred thirty-  
2 two (420.132), Code 1973, is amended to read as follows:

3 420.132 **Committee meetings—vacancies.** The city central com-  
4 mittee shall commence performing their duties on the day of the city  
5 convention and vacancies occurring therein may be filled by the city  
6 chairman subject to confirmation of the central committee. ~~Commit-~~  
7 ~~tee members from the same precinct shall not be of the same sex.~~

\*See 64-1088-9, 199.

1 SEC. 319. Section four hundred twenty point one hundred thirty-  
2 three (420.133), Code 1973, is amended to read as follows:

3 **420.133 Returns of election.** Election judges shall make returns  
4 of the election of members of the city central committee in the same  
5 manner as returns are conducted for other officers except that the  
6 election judges shall canvass the returns as to members of the city  
7 central committee, and certify the results thereof to the ~~city clerk~~  
8 *county commissioner of elections* with the returns.

1 SEC. 320. Section four hundred twenty point one hundred thirty-  
2 four (420.134), Code 1973, is amended to read as follows:

3 **420.134 Certified list of those elected.** After the canvass of votes  
4 ~~and returns~~ by the ~~city council~~ the ~~city clerk~~ *county board of super-*  
5 *visors* the *county commissioner of elections* shall notify the members  
6 of the central committee who have been elected of the time and place  
7 of holding the city convention, and shall deliver a certified list of  
8 those elected to the chairman of their respective political party's  
9 central committee in the city on or before the ~~first~~ *second* Thursday  
10 following the primary election.

1 SEC. 321. Section four hundred twenty point one hundred thirty-  
2 six (420.136), Code 1973, is amended to read as follows:

3 **420.136 Duties of city clerk and council.** ~~The city clerk and city~~  
4 ~~council shall, in municipal elections, perform those duties imposed~~  
5 ~~upon the county auditor and county board of supervisors in county~~  
6 ~~elections.~~ The city clerk shall keep a certified list of delegates to the  
7 city convention elected at the precinct caucuses and a record of the  
8 precinct committeeman and committeewoman elected at the primary  
9 election. The city clerk shall maintain a current list of all members  
10 of the city central committee. The certified list and records shall be  
11 maintained by the city clerk for at least two years subsequent to the  
12 election of the delegates and precinct committeeman and shall be  
13 available for public inspection.

1 SEC. 322. Section four hundred forty-four point nine (444.9),  
2 subsection three (3), Code 1973, is amended to read as follows:

3 **3.** Election expense fund. There is created in the office of the coun-  
4 ty treasurer of each county a fund to be known as the election expense  
5 fund. Annually, the board of supervisors shall levy an amount suffi-  
6 cient to pay the costs of elections and voter registration, pursuant to  
7 chapter 48, incurred by the county. The funds deposited in this  
8 account shall be used to pay election and voter registration costs and  
9 shall not be appropriated for any other purposes or transferred into  
10 any other county fund. *If additional funds are needed to register*  
11 *voters, pursuant to chapter forty-eight (48) of the Code, after*  
12 *July 1, 1973, and until July 1, 1975, such costs shall be certified by the*  
13 *county commissioner of registration to the board of supervisors who*  
14 *shall, after approving the costs thereof, authorize the issuance of*  
15 *anticipatory warrants pursuant to section three hundred thirty-four*  
16 *point five (334.5) of the Code, to pay the additional costs. The*  
17 *moneys necessary to redeem anticipatory warrants issued under this*  
18 *subsection shall be part of the election expense fund levy for the next*  
19 *year.*

1 SEC. 323. Acts of the Sixty-fourth General Assembly, 1972 Ses-  
 2 sion, chapter one thousand eighty-eight (1088),\* section two (2), sub-  
 3 sections fifteen (15) and sixteen (16) are amended to read as fol-  
 4 lows:

5 15. "Voter" means a person eligible to register to vote, or eligible to  
 6 vote if registration is not required an eligible elector as defined in  
 7 section thirty-nine point three (39.3), subsection one (1) of the Code.

8 16. "Qualified voter" means a voter who is also registered if regis-  
 9 tration is required qualified elector as defined in section thirty-nine  
 10 point three (39.3), subsection two (2) of the Code.

1 SEC. 324. Acts of the Sixty-fourth General Assembly, 1972 Ses-  
 2 sion, chapter one thousand eighty-eight (1088),\* section twenty-six  
 3 (26), is amended to read as follows:

4 Sec. 26. A city may change its name as follows:

5 1. The council shall propose the name change and shall ~~cause~~ notify  
 6 the county commissioner of elections that the question to be shall be  
 7 submitted at the next regular city election.

8 2. The ~~council~~ county commissioner of elections shall publish notice,  
 9 as provided in section three (3) of this Act, of the proposed new  
 10 name, and of the fact that the question will be submitted at the next  
 11 regular city election. The county commissioner of elections shall  
 12 report the results of the balloting on the question to the mayor and  
 13 the city council.

14 3. If a majority of those voting on the question approves the pro-  
 15 posed new name, the city clerk shall enter the new name upon the city  
 16 records and file certified copies of the proceedings, including the coun-  
 17 cil's proposal, proof of publication of notice, and certification of the  
 18 election result, with the county recorder of each county which con-  
 19 tains part of the city, and with the secretary of state. Upon proper  
 20 filing the name change is complete and effective.

1 SEC. 325. Acts of the Sixty-fourth General Assembly, 1972 Ses-  
 2 sion, chapter one thousand eighty-eight (1088),\* section forty-three  
 3 (43), is amended to read as follows:

4 Sec. 43. The committee shall approve or disapprove the petition  
 5 or plan as amended, within ninety days of the final hearing, and shall  
 6 file its decision for record and promptly notify the parties to the pro-  
 7 ceeding of its decision. If a petition or plan is approved, the board  
 8 shall set a date within ninety days for a special election on the pro-  
 9 posal and shall ~~appoint~~ five election commissioners, except that in the  
 10 case of a consolidation, the board shall appoint two election commis-  
 11 sioners from each city involved the county commissioner of elections  
 12 shall conduct the election. Election commissioners must be voters of  
 13 the territory, city, or cities involved. In a case of incorporation or  
 14 discontinuance, qualified voters of the territory or city may vote, and  
 15 the proposal is authorized if a majority of those voting approves it.  
 16 In a case of annexation or severance, qualified voters of the territory  
 17 and of the city may vote, and the proposal is authorized if a majority  
 18 of the total number of persons voting approves it. In a case of con-  
 19 solidation, qualified voters of each city to be consolidated may vote,  
 20 and the proposal is authorized only if it receives a favorable majority  
 21 vote in each city. The ~~election commissioners~~ county commissioner of

\*See 64-1088-9.

22 elections shall ~~serve and~~ publish notice of the election as provided in  
 23 section thirty-nine (39) of this Act, and shall conduct the election in  
 24 the same manner as other special city elections.

25 *The costs of an incorporation election shall be borne by the initiat-*  
 26 *ing petitioners if the election fails, but if the proposition is approved*  
 27 *the cost shall become a charge of the new city.*

1 SEC. 326. Acts of the Sixty-fourth General Assembly, 1972 Ses-  
 2 sion, chapter one thousand eighty-eight (1088),\* section forty-four  
 3 (44), is amended to read as follows:

4 Sec. 44. If a proposal is authorized by the voters, and After the  
 5 election commissioners have certified the result county commissioner  
 6 of elections has certified the results to the board, the board shall:

7 1. Serve and publish notice of the result as provided in section  
 8 thirty-nine (39) of this Act.

9 2. File with the secretary of state, the clerk of each city incorpo-  
 10 rated or involved in a boundary adjustment, and with the recorder  
 11 of each county which contains a portion of any city or territory in-  
 12 volved, copies of the proceedings including the original petition or  
 13 plan and any amendments, the order of the board approving the peti-  
 14 tion or plan, proofs of service and publication of required notices,  
 15 certification of the election result, and any other material deemed by  
 16 the board to be of primary importance to the proceedings. Upon  
 17 proper filing and expiration of time for appeal, or upon a subsequent  
 18 date as provided in the proposal, the incorporation, discontinuance,  
 19 or boundary adjustment is complete, except that if an appeal to any  
 20 of the proceedings is pending, completion does not occur until the  
 21 appeal is decided.

1 SEC. 327. Acts of the Sixty-fourth General Assembly, 1972 Ses-  
 2 sion, chapter one thousand eighty-eight (1088),\* section forty-five  
 3 (45), is amended to read as follows:

4 Sec. 45. When an incorporation, discontinuance, or boundary  
 5 adjustment is complete, the board shall supervise procedures neces-  
 6 sary to carry out the proposal. In the case of an incorporation, ~~the~~  
 7 ~~election commissioners~~ *the county commissioner of elections* shall  
 8 conduct an election for mayor and council of the city, who shall serve  
 9 until their successors take office following the next regular city elec-  
 10 tion. In the case of a discontinuance, the board shall publish two  
 11 notices as provided in section thirty-nine (39) of this Act that it will  
 12 receive and adjudicate claims against the discontinued city for a  
 13 period of six months, and shall cause necessary taxes to be levied  
 14 against the property within the discontinued city to pay claims  
 15 allowed. All records of a discontinued city shall be deposited with  
 16 the county auditor of the county designated by the board, except that  
 17 court records shall be deposited with the clerk of the district court  
 18 of the county. In the case of boundary adjustments, the proper city  
 19 officials shall carry out procedures necessary to implement the pro-  
 20 posal.

1 SEC. 328. Acts of the Sixty-fourth General Assembly, 1972 Ses-  
 2 sion, chapter one thousand eighty-eight (1088),\* section forty-eight  
 3 (48), subsection two (2), is amended to read as follows:

\*See 64-1088-9.

4 2. Within one week after receiving a valid petition, the mayor  
 5 shall proclaim a special city election to be held within sixty days to  
 6 determine whether the city shall change to a different form of gov-  
 7 ernment. *The mayor shall notify the county commissioner of elec-*  
 8 *tions to publish notice of the election and conduct the election pursu-*  
 9 *ant to the provisions of chapters thirty-nine (39) through fifty-three*  
 10 *(53) of the Code. The county commissioner of elections shall certify*  
 11 *the results of the election to the mayor.*

1 SEC. 329. Acts of the Sixty-fourth General Assembly, 1972 Ses-  
 2 sion, chapter one thousand eighty-eight (1088),\* section fifty-five  
 3 (55), subsection two (2), is amended to read as follows:

4 2. When a charter is filed, the council shall ~~publish it and mayor~~  
 5 *shall notify the county commissioner of elections to publish notice and*  
 6 *conduct the election. The notice shall be published at least twice in*  
 7 *the manner provided in section three (3) of this Act, except that the*  
 8 *publications must occur within sixty days of the filing of the home*  
 9 *rule charter, with a two-week interval between each publication. The*  
 10 *council shall provide copies of a proposed charter for public distri-*  
 11 *bution by the city clerk.*

1 SEC. 330. Acts of the Sixty-fourth General Assembly, 1972 Ses-  
 2 sion, chapter one thousand eighty-eight (1088),\* section sixty-one  
 3 (61), is amended to read as follows:

4 Sec. 61. A city shall hold a regular city election on the first  
 5 Tuesday after the first Monday in November of each odd-numbered  
 6 year. A city ~~may~~ shall hold ~~general, regular, special, primary, or run-~~  
 7 ~~off~~ city elections as provided by state law.

8 *The mayor or council shall give notice of any special election to the*  
 9 *county commissioner of elections. The county commissioner of elec-*  
 10 *tions shall publish notice of any city election and conduct the election*  
 11 *pursuant to the provisions of chapter thirty-nine (39) through fifty-*  
 12 *three (53) of the Code, except as otherwise specifically provided in*  
 13 *the Acts of the General Assembly, 1972 Session, chapter one thousand*  
 14 *eighty-eight (1088). The results of any election shall be canvassed by*  
 15 *the county board of supervisors and certified by the county commis-*  
 16 *sioner of elections to the mayor and the council of the city for which*  
 17 *the election is held.*

1 SEC. 331. Acts of the Sixty-fourth General Assembly, 1972 Ses-  
 2 sion, chapter one thousand eighty-eight (1088),\* section sixty-four  
 3 (64), is amended to read as follows:

4 Sec. 64. A voter of a city may become a candidate for an elective  
 5 city office by filing with the city clerk a valid petition requesting that  
 6 his name be placed on the ballot for that office. The petition must be  
 7 filed ~~at least four weeks not more than sixty-five days nor less than~~  
 8 ~~forty days~~ before the date of the election, and must be signed by voters  
 9 equal in number to at least two percent of those who voted to fill the  
 10 same office at the last regular city election, but not less than ten per-  
 11 sons. *Nomination petitions shall be filed not later than five o'clock*  
 12 *p.m. on the last day for filing.*

13 The petitioners for an individual seeking election from a ward must  
 14 be residents of the ward at the time of signing the petition. An indi-

\*See 64-1088-9.

15 vidual is not eligible for election from a ward unless he is a resident  
16 of the ward at the time he files the petition and at the time of elec-  
17 tion.

18 The petition must include the signature of the petitioners, a state-  
19 ment of their place of residence, and the date on which they signed  
20 the petition.

21 The petition must include the affidavit of at least one voter other  
22 than the petitioners and the individual for whom the petition is being  
23 filed, stating the affiant's knowledge, information, and belief as to  
24 the residence of the petitioners.

25 The petition must include the affidavit of the individual for whom  
26 it is filed, stating his name, his residence, that he is a candidate and  
27 eligible for the office, and that if elected he will qualify for the office.

28 The city clerk shall accept the petition for filing if on its face it  
29 appears to have the requisite number of signatures and if it is timely  
30 filed.

31 *The city clerk shall deliver all nomination petitions to the county*  
32 *commissioner of elections not later than five o'clock p.m. on the day*  
33 *following the last day on which nomination petitions can be filed.*

1 SEC. 332. Acts of the Sixty-fourth General Assembly, 1972 Ses-  
2 sion, chapter one thousand eighty-eight (1088),\* section sixty-five  
3 (65), is amended to read as follows:

4 Sec. 65. Notice and a copy of the ballot for each regular, special,  
5 primary, or run-off city election must be published *by the county*  
6 *commissioner of elections* as provided in section three (3) of this  
7 Act, except that notice of a regular, primary, or run-off election may  
8 be published not less than five days before the date of the election.  
9 The published ballot must contain the names of all candidates, and  
10 may not contain any party designations. The published ballot must  
11 contain any question to be submitted to the voters.

1 SEC. 333. Section six point one (6.1), Code 1973, is amended to  
2 read as follows:

3 **6.1 Publication of proposed amendment.** Whenever any proposi-  
4 tion to amend the Constitution has passed the general assembly and  
5 been referred to the next succeeding legislature, the ~~secretary of state~~  
6 *commissioner of elections* shall cause the same to be published, once  
7 each month, in two newspapers of general circulation in each congress-  
8 sional district in the state, for the time required by the Constitution.

1 SEC. 334. Section six point two (6.2), Code 1973, is amended to  
2 read as follows:

3 **6.2 Publication of proposed public measure.** Whenever any pub-  
4 lic measure has passed the general assembly which under the Con-  
5 stitution must be published and submitted to a vote of the entire  
6 people of the state, the ~~secretary of state~~ *commissioner of elections*  
7 shall cause the same to be published, once each month, in at least one  
8 newspaper of general circulation in each county in the state, for the  
9 time required by the Constitution.

1 SEC. 335. Section six point three (6.3), Code 1973, is amended to  
2 read as follows:

\*See 64-1088-9.

3     **6.3 Proof of publication—record—report to legislature.** Proof of  
4 the publication specified in sections 6.1 and 6.2 shall be made by the  
5 affidavits of the publishers of the newspapers designated by the ~~see-~~  
6 ~~retary of state commissioner of elections,~~ and such affidavits, with  
7 the certificate of the ~~secretary of state commissioner~~ of the selection  
8 of such newspapers, shall be filed in his office, recorded in a book kept  
9 for that purpose, and preserved by him, and in the case of constitu-  
10 tional amendments he shall report to the following legislature his  
11 action in the premises.

1     SEC. 336. Section six point six (6.6), Code 1973, is amended to  
2 read as follows:

3     **6.6 Certification—sample ballot.** The ~~secretary of state commis-~~  
4 ~~sioner of elections~~ shall, not less than ~~twenty~~ *twenty-five* days preceding  
5 any election at which a constitutional amendment or public measure  
6 is to be submitted to a vote of the entire people of the state, transmit  
7 to the ~~auditor county commissioner of elections~~ of each county a cer-  
8 tified copy of such amendment or measure and a sample of the ballot  
9 to be used in such cases, prepared in accordance with law.

1     SEC. 337. Section six point seven (6.7), Code 1973, is amended to  
2 read as follows:

3     **6.7 Proclamation.** Whenever a proposition to amend the Consti-  
4 tution is to be submitted to a vote of the electors, the governor shall  
5 ~~include such proposed amendment in his election proclamation issue~~  
6 *a proclamation of that fact, and of the date when the proposition is*  
7 *to be voted on, at least sixty days before that date.*

1     SEC. 338. Section six point ten (6.10), Code 1973, is amended to  
2 read as follows:

3     **6.10 Action to test legality.** Whenever an amendment to the  
4 Constitution of the state of Iowa shall have been proposed and agreed  
5 to by the general assembly and shall have been agreed to by the suc-  
6 ceeding general assembly, any taxpayer may file suit in equity in the  
7 district court at the seat of government of the state, challenging the  
8 validity, legality or constitutionality of such amendment, or the pro-  
9 cedure connected therewith, and in such suit the district court shall  
10 have jurisdiction to determine the validity, legality or constitution-  
11 ality of said amendment or the procedure connected therewith, and  
12 enter its decree accordingly, and may grant a writ of injunction  
13 enjoining the governor and ~~secretary of state commissioner of elec-~~  
14 ~~tions~~ from submitting such constitutional amendment, if it, or the  
15 procedure connected therewith, shall have been found to be invalid,  
16 illegal or unconstitutional.

1     SEC. 339. Section six point eleven (6.11), Code 1973, is amended  
2 to read as follows:

3     **6.11 Parties.** In such suit the taxpayer shall be plaintiff and the  
4 governor and ~~secretary of state commissioner of elections~~ shall be  
5 defendants. Any taxpayer may intervene, either as party plaintiff or  
6 defendant.

1     SEC. 340. Section twenty-three point four (23.4), unnumbered  
2 paragraph one (1), Code 1973, is amended to read as follows:

3     Interested objectors in any municipality equal in number to one  
4 percent of those voting for the office of *president of the United States*

5 or governor, *as the case may be*, at the last general election in said  
6 municipality, but in no event less than twenty-five, may appeal from  
7 the decision to the appeal board by serving notice thereof on the  
8 clerk or secretary of such municipality within ten days after such  
9 decision is entered of record.

1 SEC. 341. Section twenty-three point thirteen (23.13), Code 1973,  
2 is amended to read as follows:

3 **23.13 Objections.** At any time before the date fixed for the issu-  
4 ance of such bonds or other evidence of indebtedness, interested  
5 objectors in any municipality equal in number to one percent of  
6 those voting for the office of *president of the United States or gover-*  
7 *nor, as the case may be*, at the last general election in said muni-  
8 cipality, but in no event less than twenty-five, may file a petition in the  
9 office of the clerk or secretary of the municipality setting forth their  
10 objections thereto.

1 SEC. 342. Section twenty-four point twenty-seven (24.27), Code  
2 1973, is amended to read as follows:

3 **24.27 Protest to budget.** Not later than the first Tuesday in Sep-  
4 tember, a number of persons in any municipality equal to one-fourth  
5 of one percent of those voting for the office of *president of the United*  
6 *States or governor, as the case may be*, at the last general election in  
7 said municipality, but in no event less than ten, who are affected by  
8 any proposed budget, expenditure or tax levy, or by any item thereof,  
9 may appeal from any decision of the certifying board or the levying  
10 board, as the case may be, by filing with the county auditor of the  
11 county in which such municipal corporation is located, a written pro-  
12 test setting forth their objections to such budget, expenditure or tax  
13 levy, or to one or more items thereof, and the grounds for such  
14 objections; provided that at least three of such persons shall have  
15 filed a joint written objection, at or before the time of the meeting  
16 contemplated in section 24.11 which shall include a detailed state-  
17 ment of the objections to said budget, expenditures or tax levy for  
18 each and every fund, or the items therein to which objection is taken  
19 and an analysis of the fund or funds, or items therein showing  
20 grounds for such objections or shall have appeared and made objec-  
21 tion, either general or specific, as provided by section 24.11. Upon  
22 the filing of any such protest, the county auditor shall immediately  
23 prepare a true and complete copy of said written protest, together  
24 with the budget, proposed tax levy or expenditure to which objec-  
25 tions are made, and shall transmit the same forthwith to the state  
26 board, and shall also send a copy of such protest to the certifying  
27 board or to the levying board, as the case may be.

1 SEC. 343. Section thirty-seven point two (37.2), subsection one  
2 (1), Code 1973, is amended to read as follows:

3 1. When it is proposed to erect the same at the expense of the  
4 county, be signed by ten percent of the qualified electors thereof as  
5 shown by the ~~poll list~~ *election register used* in the last preceding gen-  
6 eral election, or by a majority of the members of the Grand Army of  
7 the Republic, the Spanish-American War Veterans Association, Vet-  
8 erans of World War I, the American Legion, Disabled American  
9 Veterans of the World War, Veterans of Foreign Wars of the United

10 States, Marine Corps League and American Veterans of World War II  
11 (AMVETS) of the county.

1 SEC. 344. Section one hundred two point one (102.1), Code 1973,  
2 is amended to read as follows:

3 **102.1 Exemptions of members.** Any person while an active mem-  
4 ber of any fire engine, hook and ladder, hose, or any other company  
5 for the extinguishment of fire, or the protection of property at  
6 fires, under the control of the corporate authorities of any city or  
7 town, shall be exempt from ~~the performance of military duty and~~  
8 ~~labor on the roads on account of poll tax, and from serving as a juror.~~  
9 Any person who has been an active member of such company in any  
10 city or town as aforesaid, and has faithfully discharged his duties as  
11 such for the term of ten years, shall thereafter be exempt from ~~mili-~~  
12 ~~tary duty in time of peace, from serving as a juror, and from labor~~  
13 ~~on the roads.~~

1 SEC. 345. Section one hundred forty-five A point seven (145A.7),  
2 Code 1973, is amended to read as follows:

3 **145A.7 Special election.** When a protesting petition is received,  
4 the officials receiving the petition shall call a special election of all  
5 qualified voters of that political subdivision for the purpose of ap-  
6 proving or rejecting the order setting out the proposed merger plan.  
7 The vote will be taken by ballot in the form provided ~~in section by~~  
8 ~~sections 49.43 through forty-nine point forty-nine (49.49) of the~~  
9 ~~Code,~~ and the election shall be initiated and held as provided in chap-  
10 ter 49. A majority vote of those qualified voters voting at said special  
11 election shall be sufficient to approve the order and thus include the  
12 political subdivision within the merged area.

1 SEC. 346. Section one hundred seventy-four point fourteen  
2 (174.14), Code 1973, is amended to read as follows:

3 **174.14 Additional county aid.** The board of supervisors may  
4 upon a petition signed by twenty-five percent of the qualified voters  
5 of the county as shown by the ~~pollbooks of election register used for~~  
6 ~~the last preceding general election,~~ submit to the voters of the county,  
7 at a general election, the proposition to purchase or accept as a gift,  
8 for county or district fair purposes, real estate exceeding one thou-  
9 sand dollars in value. Notice of such election shall be published in  
10 the official newspapers of the county for four weeks previous to such  
11 election.

1 SEC. 347. Chapter one hundred seventy-six A (176A), Code 1973,  
2 is amended by adding the following new section:

3 **NEW SECTION. Chapter 49 not applicable.** The provisions of chap-  
4 ter forty-nine (49) of the Code shall not be applicable to the elec-  
5 tions held pursuant to sections one hundred seventy-six A point five  
6 (176A.5), one hundred seventy-six A point six (176A.6), one hun-  
7 dred seventy-six A point eight (176A.8) and one hundred seventy-  
8 six A point fifteen (176A.15) of the Code, and the county commis-  
9 sioner of elections shall have no responsibility for the conducting of  
10 those elections.

1 SEC. 348. Section three hundred nine point eighty-six (309.86),  
2 Code 1973, is amended to read as follows:

3 **309.86 Submission of question.** The board shall *direct the county*

4 *commissioner of elections* to submit such question at the first general  
5 election occurring not less than sixty days after the filing of said  
6 petition.

1 SEC. 349. Section three hundred thirteen A point thirty-five  
2 (313A.35), unnumbered paragraph one (1), Code 1973, is amended  
3 to read as follows:

4 Counties are hereby authorized to issue general obligation bonds  
5 for the purpose of contributing money to the commission to help  
6 finance the construction of toll bridges across navigable rivers con-  
7 stituting boundaries between the county and an adjoining state.  
8 Prior to the issuance of such bonds the board of supervisors shall  
9 call and *direct the county commissioner of elections* to hold an elec-  
10 tion in said county at which the proposition shall be submitted to the  
11 voters of the county in the following form:

12 "Shall the county of ..... issue its bonds in the amount of  
13 \$..... for the purpose of .....?"

1 SEC. 350. Section three hundred thirty point sixteen (330.16),  
2 unnumbered paragraph one (1), Code 1973, is amended to read as  
3 follows:

4 Any municipality which has heretofore or may hereafter establish  
5 a municipal airport pursuant to the provisions of this chapter or of  
6 any other provision of law, is hereby authorized without approval  
7 at an election, to contract indebtedness and to issue general obliga-  
8 tion bonds to provide funds to pay the cost of equipping, improving  
9 and enlarging such airport provided, however, that if at any time  
10 before the date fixed for taking action for the issuance of such bonds  
11 a petition is filed with the clerk or recorder of the municipality  
12 signed by qualified electors of the city or town equal in number to  
13 two percent of those who voted for the office of *president of the*  
14 *United States or governor, as the case may be*, at the last preceding  
15 general election as shown by the election registers ~~or poll lists~~, asking  
16 that the question of issuing such bonds be submitted to the legal  
17 voters of the municipality, the governing body thereof shall either  
18 by resolution declare the proposal to issue the bonds to have been  
19 abandoned or shall call a special election to vote upon the question of  
20 issuing the bonds.

1 SEC. 351. Section three hundred thirty-one point one (331.1),  
2 Code 1973, is amended to read as follows:

3 **331.1 Number of members.** The board of supervisors in each  
4 county shall consist of three persons, except where the number has  
5 been or may hereafter be increased in the manner provided by this  
6 chapter. They shall be qualified electors, and be elected by the quali-  
7 fied ~~voters~~ *electors* of their respective counties, and shall hold their  
8 office for four years.

1 SEC. 352. Section three hundred thirty-one point two (331.2),  
2 unnumbered paragraph one (1), Code 1973, is amended to read as  
3 follows:

4 When petitioned to do so by one-tenth of the qualified electors of  
5 said county having voted in the last previous general election for the  
6 office of *president of the United States or governor, as the case may*  
7 *be*, the board of supervisors shall, or may on its own motion by res-

8 olution, submit to the qualified electors of the county, at any regular  
9 election, a proposition as to whether or not the number of supervisors  
10 should be increased to five.

1 SEC. 353. Section three hundred thirty-one point three (331.3),  
2 unnumbered paragraph one (1), Code 1973, is amended to read as  
3 follows:

4 In any county where the number of supervisors has been increased  
5 to five, the board of supervisors shall, on petition of one-tenth of  
6 the qualified electors of the county having voted in the last previous  
7 general election for the office of *president of the United States or*  
8 *governor, as the case may be*, or may on its own motion by resolu-  
9 tion, submit to the qualified electors of the county, at any regular  
10 election, a proposition as to whether or not the number of super-  
11 visors should be decreased to three.

1 SEC. 354. Section three hundred thirty-one point six (331.6),  
2 Code 1973, is amended to read as follows:

3 **331.6 When reduction takes effect.** If the proposition to reduce  
4 the number of members of the board carries, the board shall consist  
5 of the same number of members as at the time the proposition to  
6 reduce was submitted, until the ~~second secular~~ *first day in January*  
7 following the next general election *which is not a Sunday or legal*  
8 *holiday*, at which time the terms of all members of the board shall  
9 expire.

1 SEC. 355. Section three hundred thirty-one point nine (331.9),  
2 unnumbered paragraph one (1), Code 1973, is amended to read as  
3 follows:

4 The board of supervisors, when petitioned by ten percent of the  
5 number of qualified electors of the county having voted in the last  
6 previous general election for the office of *president of the United*  
7 *States or governor, as the case may be*, shall cause a special election  
8 to be held within the county for the purpose of selecting the super-  
9 visor representation plan enumerated in section 331.8 under which  
10 such county board shall thereafter be elected.

1 SEC. 356. Section three hundred thirty-six A point one (336A.1),  
2 subsection one (1), unnumbered paragraph one (1), Code 1973, is  
3 amended to read as follows:

4 A board of county supervisors shall submit the issue that the office  
5 of public defender be abolished to a vote of the people of the county  
6 upon receipt of a petition that the office of public defender be abol-  
7 ished, signed by not less than ten percent of those voting for *presi-*  
8 *dent of the United States or governor, as the case may be*, in the last  
9 general election, and shall submit the issue to a vote of the people at  
10 the next general election or at a special election called therefor in the  
11 form and manner required for the submission of public measures in  
12 the title on elections. If a majority of the votes cast approve the  
13 issue, the office of public defender shall be abolished on the date speci-  
14 fied on the ballot.

1 SEC. 357. Section three hundred forty-five point one (345.1),  
2 Code 1973, is amended to read as follows:

3 **345.1 Expenditures—when vote necessary.** The board of super-

4 visors shall not order the erection of, or the building of an addition  
 5 or extension to, or the remodeling or reconstruction or relocation and  
 6 replacement of a courthouse, jail, county hospital, county home or  
 7 any other county building or facility, except as otherwise provided,  
 8 when the probable cost will exceed ten thousand dollars, nor the pur-  
 9 chase of real estate for county purposes exceeding ten thousand dol-  
 10 lars in value, until a proposition therefor shall have been first sub-  
 11 mitted to the ~~legal voters~~ *qualified electors* of the county, and voted  
 12 for by a majority of all persons voting for and against such proposi-  
 13 tion at a general or special election, notice of the same being given as  
 14 in other special elections. However, such proposition need not be sub-  
 15 mitted to the voters if any such erection, construction, remodeling,  
 16 reconstruction, relocation and replacement, or purchase of real estate  
 17 may be accomplished without the levy of additional taxes and the  
 18 probable cost will not exceed fifty thousand dollars, or when a relo-  
 19 cation and replacement is made necessary by the acquisition of county  
 20 property for a federal or state project, and the cost of the relocation  
 21 does not exceed the amount of the award of damages by the state or  
 22 federal government.

1 SEC. 358. Section three hundred forty-five point thirteen  
 2 (345.13), Code 1973, is amended to read as follows:

3 **345.13 Board must submit questions.** The board shall submit the  
 4 question of the adoption or rescission of such a measure or the allo-  
 5 cation of taxes voted to another designated purpose when petitioned  
 6 by one-fourth of the ~~legal voters~~ *qualified electors* of the county, or  
 7 by such different number as may be prescribed by law in any special  
 8 case.

1 SEC. 359. Section three hundred forty-seven point twenty-three  
 2 (347.23), unnumbered paragraph one (1), Code 1973, is amended to  
 3 read as follows:

4 Any hospital organized and existing as a city or town hospital  
 5 under the provisions of chapter 380 may become a county hospital  
 6 organized and managed as provided for in this chapter, upon a prop-  
 7 osition for such purpose being submitted to and approved by a major-  
 8 ity of the electors of both the town or city in which such hospital is  
 9 located, and of the county under whose management it is proposed  
 10 that such hospital be placed, at any general or special election called  
 11 for such purpose, ~~said~~ . *The* proposition shall be placed upon the  
 12 ballot by the board of supervisors when ~~the said board of supervisors~~  
 13 ~~is~~ requested by a petition therefor signed by qualified electors of the  
 14 county equal in number to five percent of the votes cast for *president*  
 15 *of the United States or governor, as the case may be,* at the last gen-  
 16 eral election; ~~said~~ . *The* proposition may be submitted at the next  
 17 general election or at a special election called therefor. Upon the  
 18 approval of ~~said~~ *the* proposition as ~~aforsaid~~ the hospital, its assets  
 19 and liabilities, will become the property of the county and this chapter  
 20 will govern its future management. The question shall be submitted  
 21 in substantially the following form: "Shall the municipal hospital of  
 22 \_\_\_\_\_, Iowa, be transferred to and become the property of, and  
 23 be managed by the county of \_\_\_\_\_, Iowa?"

1 SEC. 360. Section three hundred forty-seven point twenty-five  
 2 (347.25), unnumbered paragraph one (1), Code 1973, is amended to  
 3 read as follows:

4 The election of hospital trustees shall take place at the general  
 5 election on ballots which shall not reflect a nominee's political affilia-  
 6 tion. Nomination shall be made by petition in accordance with chap-  
 7 ter 45. The petition form shall be furnished by the county auditor  
 8 commissioner of elections, signed by qualified electors of the county  
 9 equal in number to one percent of the vote cast for *president of the*  
 10 *United States or governor, as the case may be*, by both political par-  
 11 ties in the last previous general election, ~~which nomination petition~~  
 12 ~~and shall be filed with the county commissioner of elections at least~~  
 13 ~~fifty-five days with the county auditor prior to the date of said gen-~~  
 14 ~~eral election. A plurality shall be sufficient to elect hospital trustees,~~  
 15 ~~it being the intent that there be no primary election.~~

1 SEC. 361. Section three hundred fifty-three point two (353.2),  
 2 subsections two (2) and five (5), Code 1973, are amended to read  
 3 as follows:

- 4 2. Be signed by none but ~~legal voters~~ *eligible electors* of the county.  
 5 5. Be accompanied at the time of filing by affidavits of one or more  
 6 ~~residents~~ *eligible electors* of the county, stating:  
 7 a. That the signers of the petition were, at the time of signing,  
 8 ~~legal voters~~ *eligible electors* of ~~said the~~ county.  
 9 b. The number of signers to the petition at the time the affidavit is  
 10 made.

1 SEC. 362. Section three hundred fifty-three point eight (353.8),  
 2 subsection two (2), Code 1973, is amended to read as follows:

- 3 2. It shall strike from both the petition and the remonstrance the  
 4 names of all persons shown not to have been ~~legal voters~~ *eligible elec-*  
 5 *tors* of the county at the time of signing.

1 SEC. 363. Section three hundred fifty-three point nine (353.9),  
 2 Code 1973, is amended to read as follows:

- 3 **353.9 Election.** If the petition shows, after all names have been  
 4 stricken as hereinbefore required, that it has been signed by ~~legal~~  
 5 ~~voters~~ *eligible electors* equal to at least one-half of all ~~legal voters of~~  
 6 ~~persons eighteen years of age or older residing in~~ the county as shown  
 7 by the last federal census, and that such number of ~~voters~~ *eligible*  
 8 ~~electors~~ so signing exceeds the number of ~~voters~~ *eligible electors* who  
 9 have, after all names have been stricken as required, signed the  
 10 remonstrance, then the board shall order the proposition submitted  
 11 to a vote of the people.

1 SEC. 364. Section three hundred fifty-three point eleven (353.11),  
 2 Code 1973, is amended to read as follows:

- 3 **353.11 Notice.** The county ~~auditor~~ *commissioner of elections*  
 4 shall cause notice of ~~such the~~ election to be posted in three public  
 5 places in each township, at least fifty days before the day of election,  
 6 and shall also cause said notice to be published in the manner pre-  
 7 scribed by law in some newspaper published in the county and of  
 8 general circulation therein, if there be one published in the county,  
 9 once each week for two consecutive weeks, the last of which publica-  
 10 tions shall be at least twenty days before said election.

1 SEC. 365. Section three hundred fifty-three point twelve (353.12),  
2 Code 1973, is amended to read as follows:

3 353.12 **Conduct of election—form of proposition.** The election  
4 shall be conducted as elections for county officers are conducted *pur-*  
5 *suant to the applicable provisions of chapters thirty-nine (39)*  
6 *through fifty-three (53) of the Code.* The question shall be submitted  
7 in the following form: Shall the proposition to change the county  
8 seat to (naming the town or city to which the change  Yes  
9 is proposed) be adopted?  No

1 SEC. 366. Section three hundred fifty-seven point twelve (357.12),  
2 Code 1973, is amended to read as follows:

3 357.12 **Election.** When the preliminary design and assessment  
4 have been approved by the board of supervisors, a date not more  
5 than thirty days after such approval shall be set for an election  
6 within the district to determine whether or not the proposed improve-  
7 ment shall be constructed and to choose candidates for the offices of  
8 trustee within the district. Except that where the benefited water  
9 district is wholly within the corporate limits of a city or town, the  
10 members of the city or town council shall be the trustees, and the  
11 provisions hereinafter referring to the election and terms of trustees  
12 are not applicable. Notice of the election, including the time and  
13 place of holding the same, shall be given in the same manner as for  
14 the public hearing heretofore provided for. The vote shall be by  
15 ballot which shall state clearly the proposition to be voted upon, and  
16 any ~~legal voter~~ *qualified elector* residing within the district at the  
17 time of the election shall be entitled to vote. *It shall not be mandatory*  
18 *for the county commissioner of elections to conduct elections held*  
19 *pursuant to this chapter, but they shall be conducted in accordance*  
20 *with the provisions of chapter forty-nine (49) of the Code where not*  
21 *in conflict with this chapter.* Judges will be appointed to serve with-  
22 out pay, by the board of supervisors from among the qualified ~~voters~~  
23 *electors* of the district who will have charge of the election. The  
24 proposition shall be deemed to have carried if a majority of those  
25 voting thereon vote in favor of the same.

1 SEC. 367. Section three hundred fifty-seven B point nine  
2 (357B.9), Code 1973, is amended to read as follows:

3 357B.9 **Election.** When the preliminary report has been approved  
4 by the board of supervisors, a date not more than thirty days after  
5 such approval shall be set for an election within the district to  
6 approve the levy of a tax of not more than one and one-half mills on  
7 all the taxable property within the district for the purposes set out  
8 in sections 357B.11 and 357B.12, and to choose candidates for the  
9 offices of trustees within the district. Notice of the election, includ-  
10 ing the time and place of holding the same, shall be given in the same  
11 manner as for the public hearing heretofore provided for. The vote  
12 shall be by ballot which shall state clearly the proposition to be voted  
13 upon, and any ~~legal voter~~ *qualified elector* residing within the district  
14 at the time of the election shall be entitled to vote. *It shall not be*  
15 *mandatory for the county commissioner of elections to conduct elec-*  
16 *tions held pursuant to this chapter, but they shall be conducted in*  
17 *accordance with the provisions of chapter forty-nine (49) of the Code*  
18 *where not in conflict with this chapter.* Judges shall be appointed to

19 serve without pay by the board of supervisors from among the quali-  
 20 fied ~~voters~~ *electors* of the district who will have charge of the election.  
 21 The proposition shall be deemed to have carried if sixty percent of  
 22 those voting thereon vote in favor of same.

1 SEC. 368. Section three hundred fifty-seven B point fourteen  
 2 (357B.14), Code 1973, is amended to read as follows:  
 3 **357B.14 Dissolution of district.** Upon petition of thirty-five per-  
 4 cent of *the* resident ~~voters~~ *eligible electors*, the board of supervisors  
 5 may dissolve the benefited fire district and dispose of any remaining  
 6 property, proceeds of which shall first be applied against outstanding  
 7 obligations and any balance shall be applied to tax credit of property  
 8 owners of the district. The board of supervisors shall continue to levy  
 9 tax after dissolution of district not to exceed one and one-half mills  
 10 on all the taxable property of the district until all outstanding obli-  
 11 gations of the district are paid.

1 SEC. 369. Section three hundred fifty-seven B point fifteen  
 2 (357B.15), Code 1973, is amended to read as follows:  
 3 **357B.15 Joining with city or town—election.** No benefited fire  
 4 district shall join with any city or town for any joint purpose per-  
 5 mitted in section 368.12 unless such joining is approved by the *quali-*  
 6 *fied* electors of the joint benefited fire district as provided in this sec-  
 7 tion. The trustees of a benefited fire district shall have the power,  
 8 when authorized by a majority vote of the *qualified* electors thereof  
 9 at a special election called for that purpose, upon notice given in the  
 10 same manner provided in section 357B.9, to own, use, or operate  
 11 jointly with any city or town, fire apparatus, equipment, or facilities  
 12 and to provide for the purchase, rental, or maintenance of such  
 13 equipment, facilities, and services.

1 SEC. 370. Section three hundred fifty-seven C point seven  
 2 (357C.7), Code 1973, is amended to read as follows:  
 3 **357C.7 Election on proposed levy.** When a preliminary plat has  
 4 been approved by the board of supervisors, an election shall be held  
 5 within the district within sixty days to approve or disapprove the  
 6 levy of a tax of not more than two mills on all the taxable property  
 7 within the district, and to choose candidates for the offices of trustees  
 8 of the district. Notice of the election, including the time and place  
 9 of holding the same, shall be given in the same manner as for the  
 10 original public hearing as provided herein. The vote shall be by  
 11 ballot which shall state clearly the proposition to be voted upon, and  
 12 any qualified ~~voter~~ *elector* residing within the district at the time of  
 13 the election shall be entitled to vote. *It shall not be mandatory for*  
 14 *the county commissioner of elections to conduct elections held pur-*  
 15 *suant to this chapter, but they shall be conducted in accordance with*  
 16 *the provisions of chapter forty-nine (49) of the Code where not in*  
 17 *conflict with this chapter.* Judges shall be appointed to serve without  
 18 pay by the board of supervisors from among the qualified ~~voters~~  
 19 *electors* of the district who will have charge of the election. The  
 20 proposition shall be deemed to have carried if sixty percent of those  
 21 voting thereon vote in favor of same.

1 SEC. 371. Section three hundred fifty-seven C point eleven  
 2 (357C.11), Code 1973, is amended to read as follows:

3     **357C.11 Dissolution of district.** Upon petition of thirty-five per-  
4 cent of *the resident voters eligible electors*, the board of supervisors  
5 may dissolve a benefited street lighting district and dispose of any  
6 remaining property, proceeds of which shall first be applied against  
7 outstanding obligations and any balance shall be applied to tax credit  
8 of property owners of the district. The board of supervisors shall  
9 continue to levy tax after dissolution of a district, of not to exceed  
10 two mills on all the taxable property of the district, until all out-  
11 standing obligations of the district are paid.

1     SEC. 372. Section three hundred fifty-eight point two (358.2),  
2 unnumbered paragraph one (1), Code 1973, is amended to read as  
3 follows:

4     Any twenty-five or more *qualified voters eligible electors* resident  
5 within the limits of any proposed sanitary district may file a petition  
6 in the office of the county auditor of the county in which the proposed  
7 sanitary district, or the major portion thereof, is located, requesting  
8 that there be submitted to the *qualified voters electors* of such pro-  
9 posed district the question whether the territory within the bound-  
10 aries of such proposed district shall be organized as a sanitary district  
11 under this chapter. Such petition shall be addressed to the board of  
12 supervisors of the county wherein it is filed and shall set forth:

1     SEC. 373. Section three hundred fifty-eight point five (358.5),  
2 Code 1973, is amended to read as follows:

3     **358.5 Hearing of petition and order.** The board of supervisors to  
4 whom the petition is addressed shall preside at the hearing provided  
5 for in section 358.4 and shall continue the same in session, with  
6 adjournments from day to day, if necessary, until completed, with-  
7 out being required to give any further notice thereof. Proof of the  
8 residence and qualification of the petitioners as *qualified voters eli-*  
9 *gible electors* shall be made by affidavit or otherwise as the board may  
10 direct. Said board shall have power and authority to consider the  
11 boundaries of any such proposed sanitary district, whether the same  
12 shall be as described in such petition or otherwise, and for that pur-  
13 pose may alter and amend such petition and limit or change the  
14 boundaries of the proposed district as stated in the petition. The  
15 boundaries of any proposed district shall not be changed to incor-  
16 porate therein any property not included in the original petition and  
17 published notice until the owner or owners of said property shall be  
18 given notice thereof as on the original hearing. All persons in such  
19 proposed district shall have an opportunity to be heard touching the  
20 location and boundaries of the proposed district and to make sugges-  
21 tions regarding the same, and said board of supervisors, after hear-  
22 ing the statements, evidence and suggestions made and offered at the  
23 hearing, shall enter an order fixing and determining the limits and  
24 boundaries of such proposed district and directing that an election  
25 be held for the purpose of submitting to the *qualified voters electors*  
26 resident within the boundaries of the proposed district the question  
27 of organization and establishment of the proposed sanitary district  
28 as determined by said board of supervisors. The order shall fix a date  
29 for the election not more than sixty days after the date of the order,  
30 establish voting precincts within the proposed district and define their  
31 boundaries and specify the polling places therein as in the board's

32 judgment will best serve the convenience of the voters, and shall  
 33 appoint from residents of the proposed district three judges and two  
 34 clerks of election for each voting precinct established. *It shall not be*  
 35 *mandatory for the county commissioner of elections to conduct an*  
 36 *election held pursuant to this section, but it shall be conducted in*  
 37 *accordance with the provisions of chapter forty-nine (49) of the Code*  
 38 *where not in conflict with this chapter.*

1 SEC. 374. Section three hundred fifty-eight point seven (358.7),  
 2 Code 1973, is amended to read as follows:

3 **358.7 Election.** Each qualified ~~voter~~ *elector* resident within such  
 4 proposed sanitary district shall have the right to cast a ballot at such  
 5 election and no person shall vote in any precinct but that of his or her  
 6 residence. Ballots at such election shall be in substantially the follow-  
 7 ing form, to wit:

8

For Sanitary District	
Against Sanitary District	

9

10 ~~The election shall be conducted in the manner provided by law for~~  
 11 ~~general elections and the ballots so cast shall be issued, received, re-~~  
 12 ~~turned and canvassed in the same manner and by the same officers,~~  
 13 ~~in the county whose board of supervisors is vested with jurisdiction~~  
 14 ~~of the proceedings, as is provided by law in the case of ballots cast for~~  
 15 ~~county officers, except as herein modified. The board of supervisors~~  
 16 ~~shall cause a statement of the result of such election to be spread upon~~  
 17 ~~the records of the county auditor. If a majority of the votes cast upon~~  
 18 ~~the question of incorporation of the proposed sanitary district shall~~  
 19 ~~be in favor of the proposed sanitary district, such proposed sanitary~~  
 20 ~~district shall thenceforth be deemed an organized sanitary district~~  
 21 ~~under this chapter and established as conducive to the public health,~~  
 22 ~~comfort, convenience, and welfare.~~

1 SEC. 375. Section three hundred fifty-eight point nine (358.9),  
 2 unnumbered paragraph one (1), Code 1973, as amended by Acts of  
 3 the Sixty-fifth General Assembly, 1973 Session, Senate File eighty-  
 4 two (82), section thirty-nine (39), is amended to read as follows:

5 Within thirty days after the organization of a sanitary district  
 6 under this chapter, the board of supervisors which had jurisdiction  
 7 of the proceedings for its establishment, together with the board of  
 8 supervisors of any other county, if any, in which any part of said  
 9 district is located, shall order an election to be held in the district on  
 10 a date not more than sixty days after the date of the order for the  
 11 purpose of electing a board of trustees, consisting of three members,  
 12 except as otherwise provided in this section, for the government,  
 13 control and management of the affairs and business of such sanitary  
 14 district. Said board, or boards, shall cause notice of said election to be  
 15 posted and published, and shall perform all other acts with reference  
 16 to such election, and conduct the same, in like manner, as nearly as  
 17 may be, as provided in this chapter for the election on the question  
 18 of establishing such district. Each trustee shall be a citizen of the  
 19 United States, not less than eighteen years of age, and a resident  
 20 within said sanitary district. Each voter at said election may write in  
 21 upon the ballot the names of not more than three persons whom he  
 22 desires for trustees and may cast not more than one vote for each

23 of said three persons, and the three persons receiving the highest  
 24 number of votes cast shall constitute the first board of trustees of the  
 25 district. The term of office of the first board of trustees shall be for  
 26 the period extending to the ~~second~~ *first* secular day of January follow-  
 27 ing the next regular biennial election *which is not a Sunday or a legal*  
 28 *holiday*. Three trustees to succeed the first board of trustees shall be  
 29 nominated and elected at the next *biennial* primary and ~~regular~~ *bi-*  
 30 *ennial general* elections following establishment of the district, in the  
 31 same manner as provided by the primary and general election laws of  
 32 this state for the nomination and election for offices to be filled by the  
 33 voters of any subdivision of a county. Said trustees shall be elected  
 34 for terms of two, four, and six years respectively, and their terms  
 35 shall commence on the ~~second~~ *secular first* day of January ~~next there-~~  
 36 ~~after~~ *following the election which is not a Sunday or a legal holiday*.  
 37 At each succeeding biennial election one trustee shall be nominated  
 38 and elected in the manner herein provided for a six-year term to  
 39 succeed the trustee whose term next expires. In all elections for  
 40 trustees each qualified ~~voter~~ *elector* resident within the district may  
 41 ~~vote cast~~ one vote for each office of trustee to be filled at the election.  
 42 At all elections for trustees subsequent to the election of the first  
 43 board the names of all candidates for trustees of such sanitary dis-  
 44 trict shall be printed on the same ballot with candidates for other  
 45 offices to be filled at such election. In case a regular election precinct  
 46 includes territory lying partly within and partly without the sanitary  
 47 district, it shall be the duty of the ~~officers charged with the printing~~  
 48 ~~and furnishing of ballots~~ *county commissioner of elections* to furnish  
 49 to the election judges of such precinct two sets of official ballots, one  
 50 set including the names of candidates for trustees of such sanitary  
 51 district, and one set without such names. All provisions of the pri-  
 52 mary and general election laws of Iowa shall govern the nomination  
 53 and election of trustees hereunder, so far as applicable, and except as  
 54 modified hereby.

1 SEC. 376. Section three hundred fifty-eight B point two (358B.2),  
 2 unnumbered paragraphs two (2) and three (3), Code 1973, are  
 3 amended to read as follows:

4 ~~Electors~~ *Eligible electors* residing within the proposed district in a  
 5 number not less than five percent of those voting for *president of the*  
 6 *United States or governor, as the case may be*, within said district at  
 7 the last general election may petition the board of supervisors of the  
 8 county or counties for the establishment of such county library dis-  
 9 trict. Said petition shall clearly designate the area to be included in  
 10 the district.

11 The board of supervisors of each county containing area within the  
 12 proposed district shall submit the proposition to the *qualified* electors  
 13 within their respective counties at any general or primary election  
 14 provided said election occurs not less than forty days after the filing  
 15 of the petition.

1 SEC. 377. Section three hundred fifty-nine point five (359.5),  
 2 Code 1973, is amended to read as follows:

3 **359.5 Divisions where city included.** When any township has  
 4 within its limits a city or town with a population exceeding fifteen  
 5 hundred, the *eligible* electors of such township residing without the

6 limits of such city or town may, at any regular session of the board  
7 of supervisors of the county, petition to have such township divided  
8 into two townships; the one to embrace the territory without, and  
9 the other the territory within such corporate limits.

1 SEC. 378. Section three hundred fifty-nine point six (359.6),  
2 Code 1973, is amended to read as follows:

3 **359.6 Petition—remonstrance.** Such petition shall be accom-  
4 panied by the affidavit of three *eligible* electors, to the effect that  
5 all the signatures to such petition are genuine, and that the signers  
6 thereof are all ~~legal voters~~ *eligible electors* of said township, residing  
7 outside said corporate limits. Remonstrances signed by such ~~legal~~  
8 ~~voters~~ *eligible electors* may also be presented at the hearing before the  
9 board of supervisors hereinafter provided for, and if the same per-  
10 sons petition and remonstrate, they shall be counted on the remon-  
11 strance only.

1 SEC. 379. Section three hundred fifty-nine point eight (359.8),  
2 Code 1973, is amended to read as follows:

3 **359.8 Division—effect.** If such petition is signed by a majority  
4 of the *eligible* electors of the township residing without the corpo-  
5 rate limits of such city or town, the board of supervisors shall divide  
6 such township into two townships, as prayed; but, except for elec-  
7 tion purposes, including the appointment of all judges and clerks of  
8 election rendered necessary by the change, such division shall not  
9 take effect until the ~~second secular~~ *first day* of January following the  
10 next general election *which is not a Sunday or a legal holiday*.

1 SEC. 380. Section three hundred fifty-nine point twelve (359.12),  
2 Code 1973, is amended to read as follows:

3 **359.12 Order for election.** The ~~auditor~~ *county commissioner* of  
4 elections shall issue an order for such first election, stating the time  
5 and place of the same, the officers to be elected, and any other busi-  
6 ness to be transacted; and no business not named in such order shall  
7 be transacted at such election.

1 SEC. 381. Section three hundred fifty-nine point thirteen  
2 (359.13), Code 1973, is amended to read as follows:

3 **359.13 Service and return.** Such order may be directed to any  
4 ~~constable of the county, or to any~~ citizen of the same township, by  
5 name, and shall be served by posting copies thereof, in three of the  
6 most public places in the township, fifteen days before the day of the  
7 election; the original order shall be returned to the presiding officer  
8 of the election, to be returned to the clerk when elected, with a return  
9 thereon of the manner of service, verified by oath, if served by any  
10 other than an officer.

1 SEC. 382. Section three hundred fifty-nine point forty-four  
2 (359.44), unnumbered paragraph one (1), Code 1973, is amended to  
3 read as follows:

4 Such proposal to levy the tax provided for in section 359.43 may  
5 be submitted by the township trustees at any regular election held  
6 in the township, or at a special election called for the purpose, and  
7 such township trustees shall *request the county commissioner* of  
8 *elections* to submit the proposition when petitioned therefor by

9 twenty-five percent of the ~~qualified~~ eligible electors of said township,  
 10 or portion thereof, residing without the limits of a city or town. *The*  
 11 *county commissioner shall conduct the election pursuant to the appli-*  
 12 *cable provisions of chapters thirty-nine (39) through fifty-three (53)*  
 13 *of the Code and certify the result to the trustees.* It shall not be neces-  
 14 sary to submit such proposal to electors residing within the limits of  
 15 the city or town. Notice of said election shall be given by ~~posting in~~  
 16 ~~three public places in said township, or portion thereof, not less than~~  
 17 ~~ten days before the time of such election as provided by chapter forty-~~  
 18 ~~nine (49) of the Code.~~

1 SEC. 383. Section three hundred sixty point one (360.1), Code  
 2 1973, is amended to read as follows:

3 **360.1 Election.** The trustees, on a petition of a majority of the  
 4 resident freeholders of any civil township, shall *request the county*  
 5 *commissioner of elections to submit the question of building or ac-*  
 6 *quiring by purchase, or acquiring by a lease with purchase option, a*  
 7 *public hall to the electors thereof, by posting notices of such election*  
 8 *in four conspicuous places in the township, thirty days before election,*  
 9 *and the. The county commissioner shall conduct the election pursu-*  
 10 *ant to the applicable provisions of chapters thirty-nine (39) through*  
 11 *fifty-three (53) of the Code and certify the result to the trustees.*  
 12 *The form of the proposition shall be: "Shall the proposition to levy*  
 13 *a tax of ..... mills on the dollar for the erection of a public hall*  
 14 *be adopted?" Notice of the election shall be given as provided by*  
 15 *chapter forty-nine (49) of the Code.*

1 SEC. 384. Section three hundred sixty point three (360.3), Code  
 2 1973, is amended to read as follows:

3 **360.3 Transfer of fund.** When there are funds in the hands of  
 4 any township clerk, raised under the provisions of this chapter, ~~when~~  
 5 ~~same is which are not desired for the purposes for which it was they~~  
 6 ~~were raised, then said fund the funds may be transferred to the school~~  
 7 ~~fund of any school district or districts pro rata wherein same was~~  
 8 ~~raised, when a petition is presented to the trustees, signed by a major-~~  
 9 ~~ity of the qualified electors of said township that voted at the last~~  
 10 ~~regular election prior to the signing of said petition, as shown by the~~  
 11 ~~pollbooks of election register or registers of the last preceding pri-~~  
 12 ~~mary or general election held in said township, said transfer of funds~~  
 13 ~~to be made by the township clerk upon order of the trustees after the~~  
 14 ~~filing of said petition with said clerk.~~

1 SEC. 385. Section four hundred fifty-five point one hundred  
 2 ninety-seven (455.197), subsection six (6), unnumbered paragraph  
 3 two (2), Code 1973, is amended to read as follows:

4 The question may be submitted at a regular election of the dis-  
 5 trict or at a special election called for that purpose. ~~The~~ *It shall not*  
 6 *be mandatory for the county commissioner of elections to conduct the*  
 7 *elections, however provisions of sections 49.43 through 49.49 and of*  
 8 *chapter 462, insofar as the same are applicable, shall govern all such*  
 9 *elections, and the question to be submitted shall be set forth in the*  
 10 *notice of election.*

1 SEC. 386. Section four hundred sixty-two point three (462.3),  
 2 Code 1973, is amended to read as follows:

3     **462.3 Election.** The board, at the next regular, adjourned, or  
 4 special session shall canvass the petition and if signed by the requisite  
 5 number of landowners, it shall order an election to be held at some  
 6 convenient place in the district not less than forty nor more than  
 7 sixty days from the date of such order, for the election of three  
 8 trustees of such district. It shall appoint from the freeholders of  
 9 the district who reside in the county or counties, three judges and  
 10 two clerks of election. *It shall not be mandatory for the county com-*  
 11 *missioner of elections to conduct elections held pursuant to this chap-*  
 12 *ter, but they shall be conducted in accordance with the provisions of*  
 13 *chapter forty-nine (49) of the Code where not in conflict with this*  
 14 *chapter.*

1     **SEC. 387.** Section four hundred sixty-seven A point five (467A.5),  
 2 Code 1973, is amended by adding the following new subsection:

3     **NEW SUBSECTION.** It shall not be mandatory for the county com-  
 4 missioner of elections to conduct elections held pursuant to this sec-  
 5 tion, but they shall be conducted in accordance with the provisions  
 6 of chapter forty-nine (49) of the Code where not in conflict with  
 7 this chapter.

1     **SEC. 388.** Section four hundred eighty-three point five (483.5),  
 2 unnumbered paragraph one (1), Code 1973, is amended to read as  
 3 follows:

4     At its next regular adjourned or special session after such petition  
 5 is filed, the board of supervisors shall canvass the petition, and if  
 6 found to meet the requirements of law, it shall fix a time and place  
 7 for holding a special election in the proposed district, appoint judges  
 8 and clerks of such election, fix the hours when the polls shall open  
 9 and close and cause notice to be given as hereinafter provided. The  
 10 date of such election shall be at least ten days after completed service  
 11 of such notice. *The county commissioner of elections shall perform*  
 12 *all duties imposed on the county auditor by sections four hundred*  
 13 *eighty-three point four (483.4) through four hundred eighty-three*  
 14 *point eleven (483.11) of the Code, inclusive, but elections held under*  
 15 *those sections shall be subject to the provisions of chapter forty-nine*  
 16 *(49) of the Code only where it is not in conflict with this chapter.*

1     **SEC. 389.** Section six hundred nine point one (609.1), subsec-  
 2 tions two (2) and three (3), Code 1973, are amended to read as fol-  
 3 lows:

4     **2. Petit jurors.** A list of names and addresses of electors equal to  
 5 one-eighth of the whole number of qualified electors in ~~said the county~~  
 6 ~~who voted in the last preceding general state election~~ as shown by the  
 7 ~~pollbooks election registers of the previous general election~~, from  
 8 which to select petit jurors.

9     **3. Talesmen.** A list of the names and addresses of electors equal to  
 10 fifteen percent of the whole number of qualified electors ~~who voted at~~  
 11 ~~the last preceding general election~~, as shown by the ~~pollbooks election~~  
 12 ~~registers of the previous general election~~, in the city or town in which  
 13 the district court is held and in the township or townships in which  
 14 such city or town is located (but in no case exceeding five hundred  
 15 names) from which to select talesmen.

1     SEC. 390. Section six hundred nine point four (609.4), Code 1973,  
2 is amended to read as follows:  
3     **609.4 Auditor to apportion and certify.** On or before the date of  
4 said meeting of the appointive commission, the county auditor shall  
5 apportion the number of grand and petit jurors to be selected among  
6 the several election precincts, and the talesmen of which there shall  
7 be at least two, among the precincts from which the same are to be  
8 drawn, in each case as nearly as practicable in proportion to the num-  
9 ber of ~~votes polled~~ *electors registered* in such precincts ~~at as shown by~~  
10 *the election registers of the last general election*, and certify said  
11 apportionment to such commission.

1     SEC. 391. Section six hundred nine point five (609.5), Code 1973,  
2 is amended to read as follows:  
3     **609.5 Additional information by auditor.** For the purpose of aid-  
4 ing the appointive commission, in making the lists aforesaid, the  
5 county ~~auditor~~ *commissioner of elections* shall furnish ~~said the com-~~  
6 ~~mission with the pollbooks~~ *election registers of the last preceding*  
7 *general election, together and the clerk of the district court shall*  
8 *furnish the commission with the names of all persons who have*  
9 *served as grand or petit jurors, after the first day of January pre-*  
10 *ceding the last general election.*

1     SEC. 392. Section six hundred nine point seven (609.7), Code  
2 1973, is amended to read as follows:  
3     **609.7 Apportionment in other counties.** The county ~~auditor~~ *com-*  
4 *missioner of elections*, in counties having no appointive jury commis-  
5 sion, shall, prior to furnishing the election judges the ~~pollbooks~~  
6 *election registers*, apportion the number of grand and petit jurors to  
7 be selected from among the several election precincts, and the tales-  
8 men of which there shall be at least two, among the precincts from  
9 which the same are to be selected, in each case as nearly as prac-  
10 ticable in proportion to the number of ~~votes polled~~ *electors registered*  
11 in each precinct ~~at as shown by the election registers of the last pre-~~  
12 *ceding general election*. Such apportionment shall be computed on  
13 the same basis as provided in section 609.1.

1     SEC. 393. Section six hundred nine point eight (609.8), Code  
2 1973, is amended to read as follows:  
3     **609.8 Certification of apportionment to judges.** In all counties  
4 having no appointive jury commission, the county ~~auditor~~ *commis-*  
5 *sioner of elections* shall, at the time of the furnishing of the ~~pollbooks~~  
6 *election registers* to the judges of election, furnish them also a cer-  
7 tified statement of the number of persons apportioned to the respec-  
8 tive precincts to be returned for each grand and petit jury list.  
9     He shall also furnish the judges of election in the city or town in  
10 which the district court is held and in the township or townships in  
11 which the said city or town is located, with a certified statement of  
12 the number of persons to be returned as talesmen.  
13     He shall also furnish the judges of each election precinct in the  
14 county with the names of all persons who have served as grand or  
15 petit jurors since January 1 preceding *which shall be provided to him*  
16 *by the clerk of the district court.*

1 SEC. 394. Section six hundred nine point nine (609.9), Code  
2 1973, is amended to read as follows:

3 **609.9 Duties of judges of election.** The judges of election of the  
4 several precincts shall make selection of the requisite number of  
5 persons to serve as grand and petit jurors, and of talesmen, if any,  
6 and return separate lists of the names so selected to the county ~~auditor~~  
7 *commissioner of elections* with the return of the election, but shall  
8 not place on said lists the name of any person described in section  
9 609.2, or judges or clerks of the election.

1 SEC. 395. Section six hundred nine point ten (609.10), Code 1973,  
2 is amended to read as follows:

3 **609.10 Lists by board of supervisors.** If the judges of election  
4 in any precinct fail to return any list as provided in section 609.9,  
5 the board of supervisors shall, at the meeting held to canvass the  
6 votes cast at such election, make and certify such list or lists for the  
7 delinquent precincts, and the auditor shall file such certified lists in  
8 his office and cause copies thereof to be recorded in the proper ~~elec-~~  
9 *tion books record.*

1 SEC. 396. Section seven hundred thirty-eight point sixteen  
2 (738.16), Code 1973, is amended to read as follows:

3 **738.16 Judges or clerks doing unlawful acts.** If any judge or  
4 clerk of any election authorized by law knowingly make or consent  
5 to any false entry on the ~~list of voters or pollbooks~~ *election register*;  
6 or put into the ballot box, or permit to be so put in, any ballot not  
7 given by a voter; or take out of such box, or permit to be so taken  
8 out, any ballot deposited therein, except in the manner prescribed by  
9 law; or by any other act or omission designedly destroy or change the  
10 ballots given by the electors, he shall be fined not exceeding one  
11 thousand dollars, and imprisoned in the penitentiary not exceeding  
12 five years.

1 SEC. 397. Section seven hundred thirty-eight point nineteen  
2 (738.19), Code 1973, is amended to read as follows:

3 **738.19 Failure to return ~~pollbooks~~ materials.** If any judge, clerk,  
4 or messenger, after having been deputed by the judges of the election  
5 to ~~carry the pollbooks of such election to the place where by law they~~  
6 ~~are to be canvassed~~ *return to the county commissioner of elections the*  
7 *election register and other materials as required by section fifty point*  
8 *seventeen (50.17) of the Code*, willfully or negligently fail to deliver  
9 them within the time *and in the condition* prescribed by law, ~~safe,~~  
10 ~~with the seal unbroken~~, he shall, for every such offense, be fined not  
11 more than five hundred nor less than fifty dollars.

1 SEC. 398. Section seven hundred thirty-eight point twenty  
2 (738.20), Code 1973, is amended to read as follows:

3 **738.20 Improper registry and false personation.** Any person who  
4 causes his name to be registered, knowing that he is not or will not  
5 become a qualified ~~voter~~ *elector* in the precinct where his name is  
6 registered previous to the next election, or who shall wrongfully  
7 personate any ~~registered voter~~ *qualified elector*, and any person caus-  
8 ing, or aiding or abetting any person in either of said acts, shall be,  
9 for each offense, imprisoned in the penitentiary not less than one  
10 year.

1 SEC. 399. The operation of this Act, insofar as it requires that  
2 eligible electors be registered in the manner prescribed by chapter  
3 forty-eight (48) of the Code as amended by this Act as a prerequi-  
4 site to voting at any election or serving as election officials, is sus-  
5 pended in its operation until January 1, 1975 with respect to any  
6 county or portion of a county in which registration of eligible elec-  
7 tors was not required as a prerequisite to voting by section forty-  
8 eight point one (48.1), Code 1973, or pursuant to section forty-eight  
9 point twenty-two (48.22), Code 1973, on June 30, 1973. Nothing in  
10 this section shall be construed to prevent or limit the full operation  
11 in all parts of the state of any of the provisions of chapter forty-eight  
12 (48) of the Code as amended by this Act which pertain to the proce-  
13 dure for registering electors to vote in future elections. It is the  
14 intent of this Act that persons who were not required to register to  
15 vote prior to the effective date of this Act may vote without register-  
16 ing until January 1, 1975 in those areas where permanent voter reg-  
17 istration was not required prior to the effective date of this Act, and  
18 that after January 1, 1975 voter registration will be required  
19 throughout this state as prescribed by chapter forty-eight (48) of  
20 the Code.

21 The state commissioner of elections shall adopt rules and regula-  
22 tions pursuant to chapter seventeen A (17A) of the Code providing  
23 necessary procedures for selection of jurors and for conducting elec-  
24 tions after the effective date of this Act and prior to January 1, 1975  
25 in those areas of the state where permanent registration is not re-  
26 quired as a prerequisite to voting, and the continued use of pollbooks  
27 rather than election registers will therefore be necessary, until that  
28 date. The procedures prescribed by the rules of the state commis-  
29 sioner shall be substantially in accord with those prescribed by the  
30 Code of 1973 with respect to use of pollbooks, but shall take account  
31 of amendments to the elections laws made by this Act which, in the  
32 judgment of the state commissioner, it is feasible to implement imme-  
33 diately.

34 For the calendar year 1973 only, the respective political party  
35 chairmen shall, not later than July fifteenth, submit a list of nomi-  
36 nees to serve as registrars on the permanent mobile deputy registrar  
37 board, in the manner required by section forty-eight point twenty-  
38 seven (48.27), subsection two (2) of the Code as amended by this  
39 Act, and the county commissioner of registration shall make the  
40 required number of appointments to the board not later than July  
41 thirty-first.

1 SEC. 400. At each election held after the effective date of this  
2 Act and before January 1, 1975 in any county or portion of a county  
3 in which registration is not required as a prerequisite to voting, pur-  
4 suant to section three hundred eighty-eight (388) of this Act, there  
5 shall be provided to each elector appearing at the polls on election  
6 day an opportunity to register to vote in elections to be held after  
7 January 1, 1975. Registration of voters at the polls under this sec-  
8 tion shall be conducted in accordance with chapter forty-eight (48)  
9 of the Code as amended by this Act, insofar as possible. It shall be  
10 the duty of the precinct election judges and clerks, in addition to  
11 their usual duties, to register all eligible electors as defined by this  
12 Act who desire to register at the polls as permitted by this section,

13 unless the county commissioner of registration appoints other per-  
 14 sons to perform this duty. The county commissioner of registration  
 15 shall in advance of the 1974 general election, and may in advance  
 16 of any other election occurring after the effective date of this Act  
 17 and before January 1, 1975, appoint two or more persons in the man-  
 18 ner provided by section ninety-four (94) of this Act to register elec-  
 19 tors at each polling place on election day as permitted by this section.

1     SEC. 401 Sections thirty-nine point five (39.5), forty-three point  
 2 twenty-three (43.23), forty-three point twenty-four (43.24), forty-  
 3 three point twenty-nine (43.29), forty-three point thirty-one (43.31),  
 4 forty-three point thirty-two (43.32), forty-three point thirty-three  
 5 (43.33), forty-three point thirty-four (43.34), forty-three point  
 6 thirty-five (43.35), forty-three point thirty-seven (43.37), forty-  
 7 three point forty (43.40), forty-three point forty-three (43.43),  
 8 forty-three point ninety-eight (43.98), forty-three point one hun-  
 9 dred sixteen (43.116), forty-three point one hundred twenty-two  
 10 (43.122), forty-eight point three (48.3), forty-eight point twenty-  
 11 two (48.22), forty-eight point twenty-three (48.23), forty-eight  
 12 point twenty-four (48.24), forty-eight point twenty-five (48.25),  
 13 forty-nine point two (49.2), forty-nine point seventeen (49.17),  
 14 forty-nine point nineteen (49.19), forty-nine point twenty-two  
 15 (49.22), forty-nine point fifty-two (49.52), forty-nine point sixty-  
 16 nine (49.69), forty-nine point one hundred six (49.106), forty-nine  
 17 point one hundred fourteen (49.114), forty-nine point one hundred  
 18 sixteen (49.116), forty-nine point one hundred seventeen (49.117),  
 19 fifty point eighteen (50.18), fifty point twenty (50.20), fifty point  
 20 twenty-one (50.21), fifty point twenty-two (50.22), fifty-three point  
 21 twenty (53.20), fifty-three point twenty-one (53.21), fifty-three  
 22 point twenty-eight (53.28), fifty-three point twenty-nine (53.29),  
 23 fifty-three point thirty-three (53.33), fifty-three point forty-five  
 24 (53.45), one hundred two point three (102.3), two hundred seventy-  
 25 three point six (273.6), two hundred seventy-five point nineteen  
 26 (275.19), two hundred seventy-five point twenty-two (275.22), two  
 27 hundred seventy-seven point three (277.3), two hundred seventy-  
 28 seven point five (277.5), two hundred seventy-seven point seven  
 29 (277.7), two hundred seventy-seven point eight (277.8), two hun-  
 30 dred seventy-seven point nine (277.9), two hundred seventy-seven  
 31 point ten (277.10), two hundred seventy-seven point eleven (277.11),  
 32 two hundred seventy-seven point twelve (277.12), two hundred sev-  
 33 enty-seven point thirteen (277.13), two hundred seventy-seven point  
 34 fourteen (277.14), two hundred seventy-seven point fifteen (277.15),  
 35 two hundred seventy-seven point sixteen (277.16), two hundred sev-  
 36 enty-seven point seventeen (277.17), two hundred seventy-seven  
 37 point eighteen (277.18), two hundred seventy-seven point nineteen  
 38 (277.19), two hundred seventy-seven point twenty-one (277.21),  
 39 two hundred seventy-seven point thirty-three (277.33), two hundred  
 40 seventy-seven point thirty-four (277.34), three hundred thirty-one  
 41 point twenty-eight (331.28), three hundred sixty-three point nine-  
 42 teen (363.19), three hundred eighty-six point six (386.6), three hun-  
 43 dred eighty-six A point seven (386A.7), three hundred eighty-six A  
 44 point eight (386A.8), three hundred eighty-six A point nine  
 45 (386A.9), four hundred twenty point one hundred thirty-eight

46 (420.138) and six hundred nine point six (609.6), Code 1973, are  
47 repealed.

Approved June 29, 1973.

CHAPTER 137  
POLLING PLACES

S. F. 501

AN ACT relating to the selection of polling places for elections.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section forty-nine point twenty-one (49.21), Code  
2 1973, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. In the selection of polling places, consideration  
4 shall also be given to the use of buildings accessible to elderly and  
5 physically disabled persons.

Approved May 24, 1973.

CHAPTER 138  
CAMPAIGN CONTRIBUTIONS

S. F. 583

AN ACT relating to the disclosure of campaign contributions and expenditures by candidates, persons, political committees, and political parties, providing for an income tax check-off for campaign contributions, relating to campaign expense limitations, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Chapter fifty-six (56), Code 1973, is amended by strik-  
2 ing the chapter and inserting sections two (2) through twenty-seven  
3 (27) of this Act in lieu thereof.

1 SEC. 2. NEW SECTION. This Act may be cited as the "Campaign  
2 Disclosure—Income Tax Check-off Act".

1 SEC. 3. NEW SECTION. As used in this Act, unless the context  
2 otherwise requires:

3 1. "Candidate" means any individual who has taken affirmative  
4 action to seek nomination or election to a public office but shall exclude  
5 any judge standing for retention in a judicial election.

6 2. "Public office" means any federal, state, county, city, or school  
7 office filled by election.

8 3. "County office" includes the office of drainage district trustee.

9 4. "Contribution" means:

10 a. A gift, loan, advance, deposit, rebate, refund, or transfer of  
11 money or a gift in kind.

12 b. The payment, by any person other than a candidate or political  
13 committee, of compensation for the personal services of another per-